United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

SENATE—*Monday, March 15, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Blessed be the name of the Lord from this time forth and for evermore! From the rising of the Sun to its setting the name of the Lord is to be praised! The Lord is high above all nations, and His glory above the heavens.—Psalm 113: 2-4.

Lord God of Abraham, Isaac, and Jacob, Judge of all the Earth, to whom belongs the final disposition of human affairs, keep us from blindness, deafness, and indifference to the clear word of biblical prophecy.

Thy word declares, "the day of the Lord will come like a thief, and then the heavens will pass away with a loud noise, and the elements will be dissolved by fire, and the Earth and the works that are upon it will be burned up."—II Peter 3: 10. As we read this word, written 2,000 years ago, which describe with such precision a nuclear blast, help us to examine our thoughts lest we be the instruments of its fulfillment.

Mighty Lord, Thy word reminds us, "* * * except the Lord guards the city, the watchman keeps awake in vain."—Psalm 127: 1. Help us to realize the futility of armed protection apart from trust in Thee. In all our preoccupation with defense and the consummate destructive force of nuclear energy, help us to discern between national security and national suicide. Dear God, restrain us from self-destruction. We pray in the name of the Prince of Peace, Jesus Christ, the Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. TOWER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. TOWER. Mr. President, I reserve my time, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent that the 10 minutes reserved to the minority leader be preserved until he can be in the Chamber or have someone here to represent him.

The PRESIDING OFFICER (Mr. EAST). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR RIEGLE

The PRESIDING OFFICER. Under the previous order the Senator from Michigan (Mr. RIEGLE) is recognized for not to exceed 15 minutes.

Mr. RIEGLE. Thank you, Mr. President.

SENATE RESOLUTION 339—RETROACTIVE TAX CHANGES

(Submitted by Mr. RIEGLE, for himself and Mr. BRADLEY.)

Mr. RIEGLE. Mr. President, today I am submitting, along with the Senator from New Jersey (Mr. BRADLEY), a sense-of-the Senate resolution which expresses opposition to any retroactive tax increases or retroactive elimination of tax incentives, and to clearly state that any changes in tax law which may be enacted will occur no earlier than the date of enactment of any new tax legislation.

This proposal is designed to deal with a problem that has arisen within the last several weeks.

As is well known, the massive Federal deficits that are now projected for 1983 to 1987 have spawned an ongoing discussion of how best to reduce their size. Many colleagues, in both Chambers, have offered suggestions for further spending cuts and various tax increases.

Some of the proposals that have been put forward reflect the assumption of a retroactive tax increase, or the retroactive elimination of certain tax provisions to the beginning of this calendar year. This, of course, has caused a great deal of concern and uncertainty throughout the business community, which already faces great financial uncertainties stemming from the deep recession and record high interest rates.

At a time when we need new investment incentives for business, it is vital that we not further complicate the picture by changing key investment tax laws retroactively.

These additional uncertainties are already interrupting the flow of needed business investment. At a time when our national economy is in a deep recession, I urge all my colleagues to join in this resolution and send a clear message to the business community that any tax increases, if they are ultimately enacted, will not apply retroactively.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 339

Resolved, That it is the sense of the Senate that any amendment of, or addition to, the Internal Revenue Code of 1954 which—

(1) is enacted into law during 1982, and

(2) increases taxes or decreases tax benefits provided by the Code.

shall not take effect earlier than the date of the enactment of such amendment or addition.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. RIEGLE. Mr. President, that concludes my comments at this time, and I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 5 minutes each.

M-9 ARMORED COMBAT EARTHMOVER

Mr. DIXON. Mr. President, I call to the attention of my colleagues the current state of affairs regarding a piece of military equipment known as the M-9 armored combat earthmover, or ACE.

It is an expensive piece of equipment, and it is getting more expensive all the time. In fact, in the last 3 months, according to recently published reports, the unit price quoted to the Army by the manufacturer has increased by $500,000. The Army is in the market for 25 earthmovers. That means the cost to the taxpayer has increased by $12.5 million in the last 3 months, and they do not even have an earthmover to show for it yet.

Mr. President, the central point to note here is that the Army is buying this machinery under a sole-source contract arrangement. No competitive bidding was allowed.

My distinguished colleague from Arkansas (Mr. PRYOR) has introduced a bill to eliminate all funds for the ACE. Now, I am not yet decided about whether to support that measure, because I will not argue that the earthmover represents an unnecessary purchase by the Army.

But I do want to point out the extreme inefficiency of this sole-source approach, and the ACE serves as an excellent example.

Mr. President, the Illinois congressional delegation has been watching the ACE issue for some time. A company in our State wanted to bid on the job, and thinks it can produce the machine cheaper than the company that has received the sole source contract.

On behalf of that company, the Illinois delegation wrote to the Army and asked that the company—International Harvester—be given the chance to bid on the M-9. Harvester has built this machine for years and feels it can compete favorably with any other producer. But the Army's response was negative, and the contract has remained closed to competitive bidding.

Mr. President, I have supported increased expenditures for the armed services in the past, and I will again. But I have never been inclined—and never will be—to spend money foolishly and it is foolish to award any contract on a sole source basis when companies of good reputation are anxious to bid competitively.

I simply do not understand how the Army can defend this practice.

Mr. President, the General Accounting Office is now in the process of completing a report on the awarding of the contract for the M-9 earthmover. I certainly hope that Secretary Marsh will delay any expenditure of money on this project until that report is finished.

I believe the real possibility exists that the Army could save several millions of dollars by seeking competitive bids on the M-9.

I believe there is great potential for saving even larger amounts of money by abandoning the sole-source approach to procurement.

To paraphrase the late, great Senator from my State, Everett McKinley Dirksen:

> A million here, a million there, and pretty soon the taxpayers will be saving some real money.

LILI MEIER

Mr. PROXMIRE. Mr. President, an article in the New York Times book review of Sunday, January 24, tells the story of Lili Meier, née Jacob, a survivor of the Polish concentration camp Birkenau, at Auschwitz.

Lili Meier, at 18 years of age, was deported to Birkenau in May 1944 along with other members of her large Hungarian Jewish family. Because of her youth and health, she was assigned to a series of labor camps. Her family, not as fortunate, died in the gas chambers.

In April of 1945, the young woman came down with typhus while working at Dora, a camp in central Germany. When the American forces liberated Dora, Lili got out of bed to watch. After collapsing, she was carried into a vacated SS barracks. Searching in a cupboard for warm clothing, she came across a photograph album containing pictures of the chief rabbi from her hometown, as well as family members and neighbors, among others.

One hundred and eighty-eight of the photographs have been published in the "Auschwitz Album." The division of the Jews into two columns, which determined who would work and who would go to the gas chambers; and the delousing and shaving of the new workers are among the scenes depicted. According to the reviewer:

> The photographs, unquestionably authentic, constitute a unique historical and cultural resource of real importance.

Mr. President, these photographs serve as a reminder of, and testimony to, the atrocities committed in the name of the "final solution." I refer of course, to the attempt by Nazi Germany, to exterminate members of the Jewish religion.

Under the Genocide Treaty, the killing of members of a national, ethnical, racial, or religious group would become an international crime. How ironic it is, that both East and West Germany have ratified the treaty. They have both ratified the treaty, as has every major country in the world, except the United States, that proposed the treaty in the first place, at the U.N. Security Council.

Only the U.S. Senate stands in the way of ratifying that basic, fundamental human rights treaty.

I yield the floor.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate consider all nominations on the Executive Calendar with the exception of Calendar No. 616, Frederic N. Andre; and Calendar No. 667, Christian Hansen, Jr.; and including nominations placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, if the distinguished acting leader will repeat those, please.

Mr. TOWER. That would be all nominations on the Executive Calendar with the exception of Calendar No. 616, Frederic N. Andre and Calendar No. 667, Christian Hansen, Jr.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The clerk will report the nominations.

The assistant legislative clerk preceeded to read various nominations.

Mr. TOWER. Mr. President, I move that the nominations just identified be considered and confirmed en bloc.

The PRESIDING OFFICER. The motion is agreed to. The nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

EXPORT-IMPORT BANK OF THE UNITED STATES

Charles Edwin Lord, of the District of Columbia, to be First Vice President of the Export-Import Bank of the United States, vice H.K. Allen, resigned.

DEPARTMENT OF JUSTICE

J. Alan Johnson, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years, vice Robert J. Cindrich, resigned.

William L. Lutz, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years, vice Rufus E. Thompson, resigned.

David D. Queen, of Maryland, to be United States Attorney for the Middle District of Pennsylvania for the term of four years, vice Carlon M. O'Malley, Jr.

NATIONAL MEDIATION BOARD

George S. Roukis, of New York, to be a Member of the National Mediation Board for the term expiring July 1, 1984, vice George S. Ives, term expired.

DEPARTMENT OF COMMERCE

James W. Winchester, of Mississippi, to be Associate Administrator of the National Oceanic and Atmospheric Administration, vice George S. Benton, resigned.

COAST GUARD

The following officers of the United States Coast Guard for promotion to the grade of rear admiral.

Capt. James C. Irwin, USCG.
Capt. Bobby F. Hollingsworth, USCG.
Capt. Edward Nelson, Jr., USCG.
Capt. Clyde E. Robbins, USCG.

DEPARTMENT OF STATE

Peter H. Dailey, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD, DEPARTMENT OF STATE

Coast Guard nominations beginning Wade A. Mitchell, to be Lieutenant, and ending Joseph D. Klimas, to be Lieutenant, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1982.

Coast Guard nominations beginning Richard L. Devries, to be Commander, and ending Bruce Y. Arnold, to be Commander, which nominations were received by the Senate on February 18, 1982, and appeared in the Congressional Record of February 22, 1982.

Department of State nominations beginning Ralph J. Edwards, to be Minister-counselor, and ending Miguel De La Pena, to be Class Two, Counsular Officer, and Secretary, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1982.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JAMES W. WINCHESTER TO BE ASSOCIATE ADMINISTRATOR OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

● Mr. COCHRAN. Mr. President, we are today considering the nomination of Mr. James Winchester to be Associate Administrator of the National Oceanic and Atmospheric Administration.

Mr. President, it is my pleasure to rise in support of Mr. Winchester's confirmation as NOAA's Associate Administrator. We in Mississippi consider ourselves fortunate to have a citizen with such impressive and impeccable qualifications available for this position.

Mr. Winchester is a professional oceanographer and has many years of experience in this field. He is fully qualified by academic training and actual experience to serve as Associate Administrator. He served 5 years as the Director of NOAA's National Data Buoy Office at Bay St. Louis, Miss. He holds a master's degree in physical oceanography awarded by Johns Hopkins University as well as a master's degree in public administration awarded by the American University.

The Senate Committee on Commerce, Science, and Transportation has endorsed his nomination, and I urge my colleagues to support this nomination today.●

LEGISLATIVE SESSION

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 451, 452, 453, and 454.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

NATIONAL INVENTORS' DAY

The Senate proceeded to consider the joint resolution (S. J. Res. 140) designating February 11, 1982, "National Inventors' Day," which had been reported from the Committee on the Judiciary with an amendment:

On page 2, line 1, strike "1982," and insert "1983,".

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1983, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Amend the title so as to read: "Joint resolution designating February 11, 1983, 'National Inventors' Day'.".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "Joint resolution designating February 11, 1983, 'National Inventors' Day.' "

Mr. TOWER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILD ABUSE PREVENTION WEEK

The joint resolution (S.J. Res. 149) to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The accompanying preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 149

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated two million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including the National Exchange Club Foundation for the Prevention of Child Abuse, Parents Anonymous, the National Committee for the Prevention of Child Abuse, American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break their destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations, such as the National Exchange Club Foundation for the Prevention of Child Abuse, Parents Anonymous and other members of the National Child Buase Coalition are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the Nation's attention upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 6, 1982, through June 12, 1982, is designated as "National Child Abuse Preven-

tion Week" and the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEVENTIETH ANNIVERSARY OF HADASSAH

The concurrent resolution (S. Con. Res. 62) to congratulate Hadassah, the Women's Zionist Organization of America, on the celebration of its 70th anniversary, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 62

Whereas Hadassah, the Women's Zionist Organization of America and the largest women's volunteer organization in the United States, was founded on February 24, 1912;

Whereas Hadassah, with three hundred and seventy thousand members in all fifty States and Puerto Rico, celebrates its seventieth anniversary;

Whereas its seven decades of service have contributed to the health and education of countless thousands of persons both directly and through the training of medical personnel;

Whereas Hadassah created and maintains the world renowned Hadassah-Hebrew University Medical Center in Jerusalem, Israel, which is a living expression of the common humanitarian, social, ethical, religious, and scientific values and friendship shared between the peoples of the United States and Israel;

Whereas the Hadassah-Hebrew University Medical Center and its facilities have been made available to treat all peoples of the region regardless of religion, race or nationality in the tradition of this oath of the hebrew Physician: "You shall help the sick, base or honorable, stranger or alien or citizen, because he is sick.";

Whereas Hadassah has striven to help promote democracy and create a better society for all peoples;

Whereas Hadassah's volunteerism in helping others, exemplified by its founder, Henrietta Szold, has provided inspiration and encouragement at a time when citizen groups are being urged to play a greater role in promoting the general well-being: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress congratulates Hadassah on its seventieth anniversary and extends its best wishes for many more decades of international humanitarian service.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISTRIBUTION OF SLIDE SHOW "MONTANA: THE PEOPLE SPEAK"

The bill (S. 2166) to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the slide show entitled "Montana: The People Speak"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that slide show within the United States, shall deposit that slide show in the National Archives of the United States, and shall make copies of that slide show available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10 A.M. TUESDAY

Mr. TOWER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on tomorrow, Tuesday, March 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PRYOR ON TUESDAY

Mr. TOWER. Mr. President, I ask that following the recognition of the two leaders under the standing order on tomorrow, the Senator from Arkansas (Mr. PRYOR) be recognized for not to exceed 15 minutes for a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. TOWER. Mr. President, I ask unanimous consent that following the special order just identified on tomorrow there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with statements limited therein to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 391 ON TUESDAY

Mr. TOWER. Finally, Mr. President, I ask unanimous consent that at the hour of 11 a.m. the Senate resume the pending business, S. 391.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I understand that my time under the standing order was reserved for me.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

THE ADMINISTRATION'S PROPOSALS WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM

Mr. ROBERT C. BYRD. Mr. President, the administration's budget for fiscal year 1983 contains a proposal to abolish the Railroad Retirement Board, shift tier I benefit payments to the Social Security Administration, convert tier II benefit payments to a private negotiated system, and reduce the dual benefit payment. I have heard from many West Virginia railroad workers and retirees who are greatly concerned over the administration's plan and oppose it vigorously. I agree that this proposal is unfair and unwarranted.

Last year, the Congress acted to tighten the financial soundness of the Railroad Retirement System, and I feel that it is unconscionable that the administration is now proposing that this system be disrupted. Because of the concerns of my constituents and my belief that there is nothing to be gained by eliminating a Federal agency that provides a basic service to the railroad workers and retirees and whose administrative costs are fully funded by the taxes paid by the railroad management and employees, I am pleased to join as a cosponsor of the resolution introduced by my distinguished colleague from Ohio, opposing the administration's proposals with respect to the Railroad Retirement System.

I ask unanimous consent that my name be added as a cosponsor of Mr. METZENBAUM's resolution, Senate Resolution 334.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that

the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I will speak today on the subject of the U.S. Senate. I will speak until about 1 o'clock, at which time the agent identities bill will be resumed. At that time I will delay the further reading of my statement until in the afternoon when the discussion on the agent identities bill has been completed. At that time I will complete the reading of my statement.

I ask unanimous consent that the two readings be joined in the RECORD to show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will advise the Senator that morning business will be conducted until 1:18.

Mr. ROBERT C. BYRD. I thank the Chair.

How much time is each Senator allowed to speak during morning business?

The PRESIDING OFFICER. Under the previous order, 5 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 5-minute limitation be waived for the purposes I have described.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE SENATE CENSURES ANDREW JACKSON, 1833-1837

Mr. ROBERT C. BYRD. Mr. President, in its entire history the United States Senate has only once censured a President of the United States, and even then it later revoked its own action. We know that in 1868 the Senate sat as a court of impeachment on President Andrew Johnson, acquitting him by only one vote. We know also that the Senate was preparing to sit as a court again for President Richard Nixon in 1974, prior to his resignation. But I refer here not to impeachment but to censure. The Senate over the years has censured eight of its own members, but only one president, and that was Andrew Jackson, on March 28, 1834. The dramatic story of how this censure came about, its equally dramatic conclusion, and its historical significance, will be the subject of my remarks today, in my continuing series of addresses on the history of the Senate.

Incidentally, this is my 50th statement on the history of the United States Senate.

The censure of President Jackson was a momentous occasion in the birth of the Whig Party and the reuniting of three of the most famous United States Senators: Henry Clay of Kentucky, John C. Calhoun of South Carolina, and Daniel Webster of Massachusetts. The issue behind the censure was the Bank of the United States, about which I spoke at length during my last address in this series. To recapitulate briefly, President Jackson had vetoed the rechartering of the Second Bank of the United States in 1832, on the grounds that the Bank was unconstitutional, aristocratic, and had failed to establish a sound and uniform currency. The Senate attempted and failed to override Jackson's veto. Later that year the Bank issue played a leading part in the presidential election of 1832, in which President Jackson won a decisive victory in his reelection over the National Republican candidate, Henry Clay.

After the election, in November 1832, the president met with his cabinet to discuss the government's deposits in the Bank. At that meeting Jackson announced that he believed the Bank to be insolvent and that the government should withdraw its funds—both to protect the public money, and to prevent the Bank from using the funds in a lobbying attempt to influence Congress to override the presidential veto. Jackson asked Congress to investigate the safety of the government's deposits in the Bank, but when the House of Representatives conducted such an investigation and reported back that the deposits were indeed safe, the president simply ignored their unwanted conclusion. Since Treasury Secretary Louis McLane opposed the transfer of government funds, on the grounds that Congress opposed the idea, Jackson appointed him Secretary of State and appointed a new Treasury Secretary, William J. Duane, a staunch anti-Bank man. But Jackson soon discovered that Duane, to, opposed removal of the government's deposits, because he believed the action would shake the public's confidence and cause an economic downswing. Thus, President Jackson, strong-willed as he was, removed a second Treasury Secretary. This time he appointed his trusted Attorney General, Roger Taney, who he was confident would carry out presidential orders. The government began to withdraw its funds from the national bank and deposit them in a variety of state banks.[1]

As Jackson and Taney were implementing this policy, the equally strong-willed president of the Bank of the United States was carrying on his own plan of economic sabotage. Nicholas Biddle conducted a policy of restricting credit and calling in the Bank's loans, calculated to cause an economic contraction that would arouse the public against Jackson's program. At one time, historians attributed the depression that followed solely to the clash between Jackson and Biddle over the Bank. More recent studies have found the American depression of the 1830's to have been part of a world-wide depression, made all the worse in the United States by the political crises over the nation's banking system.[2] But whether Nicholas Biddle was a major cause of, or merely a contributor to, the economic collapse, certainly he and his political allies, Clay and Webster, believed that the hard times would work in their favor and to Jackson's detriment. President Jackson, for his part, refused to move an inch. "I never will charter the United States Bank, or sign a charter for any other bank, so long as my name is Andrew Jackson," he told one group of businessmen.[3]

When the Twenty-third Congress met in December 1833, the Democrats had a comfortable majority of 147 members in the House, as opposed to 113 members representing the National Republicans, the Anti-Masons, the Nullifiers, and the States' Rights parties (all of which would soon loosely combine to make up the Whig Party). In the Senate, however, the Clay, Calhoun, and Webster combination counted some twenty-eight senators on their side, while the Democrats had only twenty.

With this margin behind him, the masterful Henry Clay rose in the Senate to challenge Jackson on the bank issue. On December 10, 1833, Clay called his colleagues' attention to "a subject perhaps exceeding in importance any other question likely to come before the present Congress." By this he meant Jackson's removal of the government deposits from the Bank. The time had now come, said Clay, for Congress to examine the Secretary of the Treasury's reasons for removing the funds, and to determine whether his stated reasons were fully justified. Clay then moved the following resolution:

Resolved, That the President of the United States be requested to inform the Senate whether a paper, under the date of the 18th day of September, 1833, purporting to have been read by him to the heads of the several departments, relating to the deposits of the public money in the treasury of the United States, and alleged to have been published by his authority, be genuine or not; and, if it be genuine, that he be also requested to cause a copy of said paper to be laid before the Senate.[4]

Mr. President, on December 11, 1833, after a heated debate, the Senate adopted Clay's resolution by a vote of 23 to 18. However, the next day President Jackson sent a message flatly declining to comply with the resolution.

The Executive is a co-ordinate and independent branch of the Government equally with the Senate,

Jackson responded,

and I have yet to learn under what constitutional authority that branch of the Legisla-

Footnotes at end of article.

ture has a right to require of me an account of any communication, either, verbally or in writing, made to the heads of departments acting as a cabinet council.[5]

Although Jackson did not use the phrase, he was invoking what we today would call "executive privilege."

John Quincy Adams, former president and at that time a member of the House of Representatives, noted in his diary that there was "a tone of insolence and insult" in Jackson's messages to Congress, particularly his response to the Senate's resolution, and that this tone has increased since Jackson's reelection. The legislature, Adams noted, had never witnessed such a treatment. "The domineering tone has heretofore been usually on the side of the legislative bodies to the Executive, and Clay has not been sparing in the use of it. He is now paid in his own coin."[6]

Jackson's refusal led Clay to escalate his offensive. On the day after Christmas in 1833, Clay introduced two resolutions of censure against the president. One was based on his dismissal of Treasury Secretary Duane, and the other on the grounds that Jackson's stated reasons for withdrawing government deposits from the Bank were "unsatisfactory and insufficient."[7]

Clay defended these resolutions in one of the most famous of his Senate speeches. "We are," he said, "in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man." Jackson had "paralyzed" Congress by his unprecedented use of the veto, particularly of the pocket veto which did not permit a congressional override. Jackson was undermining the Senate's authority to approve nominations by his constant removal of officers and by his reappointment of persons whom the Senate had already rejected. Worst of all, the president was seeking to seize Congress' power of the purse, thus combining "the two most important powers of civil government"; the sword and the purse.

With wit, eloquence, logic, and appeals to reason and to passion, Clay verbally assaulted the president and his actions. Clay's speech lasted three days and filled eighteen pages of the *Register of Debates.* The president had assumed a dangerous and unconstitutional power, said Clay, for which the Senate must censure him.

> The eyes and the hopes of the American people are anxiously turned to Congress . . . The premonitory symptoms of despotism are upon us; and if Congress does not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die—ignobly die—base, mean, and abject slaves; the scorn and contempt of mankind; unpitied, unwept, unmourned!

With these words, Clay concluded his speech, and the *Register of Debates* reported that his words were followed "by such loud and repeated applause from the immense crowd which thronged the galleries and lobbies" that Vice President Van Buren ordered the galleries cleared.[8]

Thomas Hart Benton of Missouri and other Jacksonian Democrats then rose to the president's defense. The debate over the removal of the deposits and the censure of Jackson lasted for the remainder of the first session of the Twenty-third Congress, from January through March 1834. This was the longest period the Senate had devoted itself to a single subject up to that time. Henry Clay noted that "the period which has elapsed was long enough for a vessel to have passed the Cape of Good Hope, or to have made a return voyage from Europe."[9] Page after page of the *Register of Debates* are devoted entirely to the deposits issue, the Bank, and the "public distress" caused by the economic uncertainties. Memorials were received from states, citizens, and private interest groups. Senators on both sides lined up impressive and intricate statistics to buttress their arguments.

Of the three Senate giants lined up against the president, Clay, Calhoun, and Webster, each had different reasons for supporting the resolutions. Henry Clay wanted to embarrass Jackson and Van Buren politically, and to set the stage for a new political coalition to challenge them. John C. Calhoun cared little about the Bank as an issue. He could just as well have supported Jackson's position, except for his total hostility to Jackson. In his speeches in the Senate, Calhoun used the Bank issue primarily as an example of the correctness of his own earlier break with Jackson over the Tariff and Nullification. Daniel Webster at first attempted to assume the statesman's role by seeking a compromise among Clay, Calhoun, and Jackson. Webster, as chairman of the Senate Finance Committee, proposed a six-year extension of the bank's charter to allow it to wind up its business, and for the redepositing of government funds in the bank. Webster's compromise, however, satisified neither side. Finally, Webster, too, chose sides with the anit-Jacksonians, and supported the censure resolution.[10]

Mr. President, the coming together of these three senators was the first step in the formation of a new American political party, the Whig Party, which would soon absorb the old National Republicans, the Anti-Masons, and the States' Righters, as well as a few Democratic converts. The title "Whig" came from British politics and was popular in America during the time of the Revolution. It signified opposition to the crown, and to the "Tories" who supported the King—in this case "King Andrew." The Whigs, however, were reluctant to allow Jackson's supporters to claim a monopoly on the coveted title "Democrats," and at least until 1840, they called themselves "Democratic Whigs." But for the most part, after 1834, the American political scene was divided between Democrats and Whigs. The Bank war and the depression that followed caused American political leaders to choose sides between the two parties. Historian Michael Holt has pointed out that twenty-eight of the forty-one Democrats who voted for rechartering of the Bank in 1832 had become Whigs by 1836. Even Jackson's trusted friends and lieutenants from Tennessee, such as John Overton, John Eaton, and Hugh Lawson White, split with the president on the issue of removing government deposits from the bank. North Carolina Democrat Willie P. Magnum, of whom the Senate recently acquired a handsome portrait which hangs in the corridor just outside this chamber, bolted from the Democratic Party over this issue and joined the Whigs.[11]

That old Jacksonian, Thomas Hart Benton, commented on the uniting of "Mr. Clay, Mr. Calhoun, and Mr. Webster . . . with all their friends, and the Bank of the United States," against General Jackson. In a very shrewd analysis, Benton wrote that "Public men continue to attack their adversaries in power, and oppose their measures, while having private griefs of their own to redress, and personal ends of their own to accomplish." Clay, Benton pointed out, was responding to his defeat in the last presidential election to Jackson. Calhoun was still quarreling with the president over Jackson's discovery that Calhoun had sided against his raid of Florida during the Monroe Administration. "Their movements all took a personal and vindictive, instead of a legislative and remedial, nature."[12]

Benton did not add Daniel Webster to this list, but we know that Webster also had "personal ends" to accomplish. At the very time that Senator Webster was chairing the Finance Committee and leading the struggle against Jackson's Bank plans, Webster was under retainer to the Bank of the United States! In a letter to Nicholas Biddle on December 21, 1833, Webster reminded Biddle that his retainer had not been "renewed, or *refreshed,* as usual. If it is wished that my relation to the Bank should be continued, it may be well to send me the usual retainer." This surely was one of the most egregious breaches of ethics in the history of the Senate, and one which will ever stain the reputation of Daniel Webster.

There was, indeed, a strange paradox about Daniel Webster—the "Godlike Daniel" whose speeches schoolboys of the nineteenth century memorized, and whose prodigious efforts

helped hold this nation together in the perilous years before the great Civil War, and "Black Dan," whose personal weaknesses, particularly over money, kept him from the presidency he sought. The two sides of Daniel Webster have been admirably presented in Irving Bartlett's recent biography, *Daniel Webster,* and in Senator John F. Kennedy's stirring book, *Profiles in Courage.*[13]

As Clay, Calhoun, and Webster flailed at Jackson, and Benton and other Democrats stood in his defense, another figure—a surrogate for the president—watched the scene with some bemusement. This was Vice President Martin Van Buren, the "Little Magician" who had helped put together the Democratic coalition which elected Jackson, and who had succeeded Calhoun in the vice presidential chair. Jackson in his second term was an old and ill man, who at that point was unlikely to run for a third term. Van Buren was then his probable successor, and Henry Clay went out of his way to draw Van Buren into the fray. At one point during the debate over Jackson's censure, Clay rose in the Senate and addressed himself directly to Van Buren, the presiding officer. Clay urged Van Buren to intercede with Jackson to persuade him to "abandon his fatal experiment." "Go to him," Clay implored, "and tell him, without exageration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone by the measures which he has been induced to put in operation." Clay was playing to the galleries—both those present in the Senate Chamber and those who would read his speech reprinted in their newspapers. Indeed, there were loud sobbings heard from the ladies in the galleries by the time Clay had finished. We may assume that his object was to tie Van Buren more closely in the public's mind to Jackson's anti-Bank activities, and to have him share the blame for the existing economic crisis. Van Buren, clever politician that he was, clearly recognized what Clay was up to. According to Senator Benton's *Thirty Years' View,* Van Buren "maintained the utmost decorum of countenance, looking respectfully, and even innocently at the speaker, all the while, as if treasuring up every word he said to be faithfully repeated to the President." But when Clay had finished, Van Buren motioned to another senator to take his seat as presiding officer. The vice president then approached Senator Clay. But instead of responding to his oratory, Van Buren merely asked for a pinch of Clay's fine maccoby snuff, and having taken it, turned and nonchalantly walked away.[14]

Finally, on Friday, March 28, 1834, the Senate was ready to vote on Clay's resolutions. Former President Adams, viewing the scene from the House, was greatly opposed to the censure of his nemesis and successor, Andrew Jackson, and lobbied with friends in the Senate against it. However, he noted, they voted for the censure, "under the domineering influence of Mr. Clay."[15] By a vote of 28 to 18 the Senate found the reasons given by the Secretary of the Treasury for removal of government funds from the Bank to be unsatisfactory. And then, by a vote of 26 to 20, the United States Senate resolved that "the President, in the last executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." Clay, Calhoun, and Webster all voted in favor of censuring President Andrew Jackson.[16]

Senator Benton found this resolution to be "nothing but an empty fulmination—a mere personal censure—having no relation to any business or proceeding in the Senate." From the moment of its passage, Senator Benton vowed not only to repeal the offensive resolution, but also to have it striken from the Senate Journal. Vowing to keep the matter alive, Benton would bring the motion up at the start of each session of Congress.[17]

For his part, President Jackson rejected the resolution as illegal and unconstitutional, and refused to accept its rebuke or allow it to change his policies. On April 17 he sent the Senate a lengthy protest, filling ten pages of the *Register of Debates.* The Constitution, said Jackson, provided for the possible impeachment of a president by the House and conviction by the Senate, but not for his censure by a single body of Congress. "The resolution in question was introduced, discussed, and passed, not as a joint, but as a separate resolution," Jackson's protest went on. "It asserts no legislative power; proposes no legislative action; and neither possesses the form nor any of the attributes of a legislative measure."[18] After defending his policies concerning the bank, Jackson concluded: "The resolution of the Senate contains an imputation upon my private as well as upon my public character, and as it must stand forever on their Journals, I cannot close this substitute for that defense which I have not been allowed to present in the ordinary form, without remarking, that I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation." Jackson scoffed at the charge that he was motivated by ambition. "No; the ambition which leads me on, is an anxious desire and a fixed determination, to return to the people, unimpaired, the sacred trust they have confided to my charge—to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government, supported by powerful monopolies and aristocratic establishments, that they will find happiness, or their liberties protection, but in a plain system, void of pomp—protecting all, and granting favors to none—dispersing its blessings like the dews of heaven, unseen and unfelt, save in the freshness and beauty they contribute to produce."[19]

Immediately after Jackson's protest was read to the Senate, Senator George Poindexter of Mississippi stood up indignantly to denounce the message and to move that the Senate refuse to receive it. Thus, while one may find Jackson's protest in the *Register of Debates,* a forerunner of the *Congressional Record,* the *Senate Journal* states merely: "A message, in writing, from the President of the United States by Mr. Donelson, his Secretary, was communicated to the Senate; which, having been read, a motion was made by Mr. Leigh, the Senate adjourned." Four days later, the Senate again debated Poindexter's motion. On this occasion the Senate voted to reject the message on the grounds that the president "assumes powers in relation to the Senate not authorized by the Constitution, and calculated in its consequences to destroy that harmony which ought to exist between the co-ordinate departments of the General Government, to interfere with the Senate in the discharge of its duties, to degrade it in the public opinion, and, finally, to destroy its independence, by subjecting its rights and duties to the determination and control of the Chief Magistrate."[20]

I think it is safe to say that never before in the history of the United States had relations between the president and the Senate sunk to such depths, and perhaps only during the impeachment trial of President Andrew Johnson, thirty-four years later, were executive-legislative relations strained to such a point of total alienation.

The House of Representatives, with its solid Democratic majority, refused to endorse the Senate's censure of the president, nor would it support Clay's motion to restore government deposits to the bank. The congressional elections of 1834 also demonstrated that Henry Clay had misread the American mood. Instead of rallying to the support of the Whigs and driving the Jacksonians from power, the voters increased the Democratic margin in the House to 145 to 98. The Whigs also lost their majority in the Senate with only 25 senators to the Democrats' 27. Even more significantly, several state legislatures which had elected Whig senators switched to Democratic con-

trol. These legislatures now voted to "instruct" their senators to vote to expunge the censure resolution from the *Senate Journal.* This matter of instruction proved embarrassing to a number of Whigs who endorsed instruction as a matter of principle but who could not bring themselves to vote in Jackson's favor under any circumstance.

It is important to remember that United States senators in the nineteenth century, and until the Seventeenth Amendment was passed in 1914, were elected by state legislatures rather than directly by the people. Having appointed their senators, many of these legislatures then felt they had a right to instruct them how to vote on certain issues. Some senators rejected the right of instruction, on the grounds that their offices were created by the federal Constitution and therefore not controlled by the state governments. The states, particularly those in the South, argued in the words of the Virginia legislature that "the people are acknowledged to be the only legitimate source of all legislation," and that instruction was the essence of representative government.[21]

The North Carolina legislature instructed its senators to vote to expunge the censure resolution, but Whig Senator Willie Mangum refused to comply with their instructions. The Virginia legislature also introduced its two senators, but William C. Rives and John Tyler resigned rather than comply. Tyler—the future President of the United States—felt he had no other choice but to resign, since his first political action had been to vote to censure Senator William Branch Giles for failing to follow the Virginia legislature's instructions. Tyler could not reverse himself now in good conscience.[22] After Senator Rives resigned, the Virginia legislature elected Benjamin Watkins Leigh in his place. Leigh had been the principal author of the Virginia claim to instruct its senators, but ironically he was also strongly opposed to tampering with the *Senate Journal.* Leigh then informed the legislature that he would not obey their instruction because he believed expunging the *Journal* to be unconstitutional—however, after he stood his ground on this issue, he resigned from the Senate a few months later.

Today, Mr. President, Benjamin Leigh is a little known United States senator from a distant past. There has never been a published biography of his life, but we gain a colorful word picture of the man from an account by an eyewitness, Henry A. Wise. In his book. *Seven Decades of the Union,* Wise described Senator Leigh's attack upon Thomas Hart Benton and his expunging resolution, in a Senate Speech which ended with the words: "And Mr. President, in that catechism which I learned at my mother's knee, I was taught 'to keep—to keep—to keep' my hands from picking and stealing, and my tongue from evil speaking!" Wrote Wise:

> He was not a vehement orator in tone, but he was most earnest in utterance and manner. He had a soft, clear, flutelike voice, but it was not loud . . . He was a short man, yet in speaking seemed large, so elevated was he by his theme, and so gallant and game was his mien. He was lame, one leg shortened, and wore a cork sole on one of his boots. When about to be emphatic, he usually caught his left wrist in his right hand and sank back on his lame leg, pausing to poise himself, and, as he rose to the climax of what he was about to utter, would bear upon his sound leg and rise on it with his hands free.

Thus when Leigh launched into his attack on Benton, he dropped back on his lame leg, took his left wrist in his right hand, and gazed intensely at Benton.

> Senator Leigh began low, uttered softly as far as the word 'my mother's knee!' raised his voice at the words 'I learned,' and, pronouncing the words 'to keep' three times, each time louder and louder, he rose upon his sound leg, loosed his wrist, and putting forward both hands, exclaimed, 'My hands from picking and stealing, and my tongue from *evil speaking.*'

According to Wise a pin could have been heard to drop on the floor as Leigh spoke. Senator Benton sat back looking towards the wall, swinging his leg over his chair, and avoiding Leigh's glare.[23]

With the Democrats in the majority in the Senate during the Twenty-fourth Congress, Benton was determined to have his way and strike out the censure of Jackson. This was not strictly a pro or anti-Jackson issue. Some senators opposed any changes made to the *Senate Journal* for any reason. Benton had lost a chance to expunge the *Journal* in 1835, when some Whig senators tried to soften his resolution to "rescind, reverse, make null and void" the censure rather than actually to remove it from the *Journal.* Benton had reluctantly gone along with his colleagues at first, but then Daniel Webster had risen to crow. "Men may change, opinions may change, power may change, but, thanks to the firmness of the Senate, the records of this body do not change." Webster charged that Benton had attempted to falsify the record and moved to have Benton's resolution tabled, which the Senate did by a vote of 27 to 20. Immediately, Benton was on his feet. "The exulting speech of Mr. Webster restored me to my courage," Benton later reported, "—made a man of me again." He submitted his resolution anew and once again pressed for ridding the record of the censure.[24]

Benton's long fight ended at the conclusion of the second session of the Twenty-fourth Congress in 1837. On Saturday evening, January 14, 1837, the Democratic members of the Senate caucused at a Washington restaurant. Martin Van Buren had been elected president in November, defeating the Whig candidate, William Henry Harrison. Van Buren would be inaugurated on March 4. An old and ill Andrew Jackson was preparing to leave the White House to return to the Hermitage in Tennessee, and the Senate Democrats were determined to allow "Old Hickory" to retire without the blot of censure upon his name. Their meeting that night, Benton reported, had an "air of convivial entertainment." Around midnight they decided upon a method of procedure. An oblong square of black lines would be drawn around the original censure in the *Journal,* with the words: "Expunged by order of the Senate." Each Democratic senator then pledged himself to support it, and agreed that there would be no adjournment of the Senate after the resolution was introduced until it was passed. Expecting a long and arduous session, the Democrats gave orders to have an ample supply of cold hams, turkeys, rounds of beef, pickles, wines, and cups of hot coffee ready in a committee room off the Senate floor, to last them through the debate.[25]

As could be expected, Clay, Calhoun, and Webster all spoke out against the measure. Webster reminded the Senate of its constitutional duty to keep a journal and insisted that "a record which is *expunged,* is not a record which is *kept,* any more than a record which is *destroyed* can be a record which is *preserved.*"[26] Despite Webster's eloquence, and his vehemence, the Democrats would not be moved. Democratic senators, knowing they had the votes to win, came and went from the Senate chamber during the proceedings, helping themselves to the feast they provided in the nearby committee room, and inviting their Whig colleagues to join them. The Whigs, it appears, had lost their appetites.

By the time Webster had finished speaking it was near midnight. "The dense masses which filled every inch of the room in the lobbies and the galleries remained immovable," wrote Benton. "No one went out: no one could get in. The floor of the Senate was crammed with privileged persons, and it seemed that all Congress was there."[27] When Benton called for the yeas and nays, the vote was 24 to 19 to expunge the record.

This was Benton's great moment of triumph and he arose from his seat to accept congratulations from those about him on the Senate floor. The mood of the Whigs and bank supporters was grim and the situation in the chamber was tense. Fearing for Benton's life, his colleague from Missouri,

Lewis Linn, had brought pistols into the chamber to protect him. Benton's wife, also alarmed, stood at her husband's side. But the ebullient Benton pressed his way through the crowd. As Henry Wise, one of Benton's Whig opponents, watched, Benton "was boisterously moving from man to man, reaching out his hand, until he came to the Honorable Baillie Peyton, of Tennessee, who waited his expected offer of a touch with such a countenance of contempt and detestation that he shrunk back, desisting from his gasconading, and resumed his seat." [28]

The *Senate Journal* for the Twenty-third Congress was carried into the Senate chamber and placed on the desk of Secretary of the Senate Asbury Dickins, just in front of the presiding officer's desk. According to Henry Wise, the book "seemed to resist the opening, the back was stiff, and it shut together again, until pressed open wide, and the pages so held as to lay upon it the rule by the straight edge of which the black lines were to be drawn. We could not but imagine the book of the journal as resisting the violation. It seemed like a living victim on the alter of sacrifice, and the scratch of the pen alone was heard in the awful silence which prevailed when the gall of party bitterness drew its lines in the blackness of darkness around the freedom and independence of the Senate." [29] Henry Wise, of course, was grossly exaggerating, but his words give testament to the bitterness which the Whigs felt about the incident, which symbolized their defeat in the Bank war, in the struggle with Jackson, and in the presidential election of 1836.

No sooner had Secretary Dickins carried out the act, drawn the lines and expunged the censure, than the Senate chamber was thrown into turmoil and uproar. The *Register of Debates* records that "hisses, loud and repeated, were heard from various parts of the gallery." Senator William R. King of Alabama, then serving as presiding officer, ordered that the galleries be cleared. But Senator Benton wanted his supporters in the galleries to witness his triumph, and asked that they be permitted to remain while the "ruffians" who had caused the disturbance should be ejected. Benton pointed to a man in the galleries who had "cried aloud some disorderly response," and ordered the Sergeant-at-Arms to seize him. "Here is one just above me, that may easily be identified—the bank ruffian!"

Senator King revoked his order to clear the galleries, and had Sergeant-at-Arms John Shackford bring forth a tall, well-dressed man in a black overcoat who seemed to be the "ringleader" among the hecklers in the galleries. After the man was brought to the well of the Senate, Senator Benton then said that "as this individual had been taken from the respectable audience in the gallery, and had been presented in this public manner, with all eyes fixed upon him, he had perhaps been sufficiently punished in his feelings." Benton then moved to discharge the man from custody, but several Whigs insisted that the man be permitted to speak in his own defense. "A citizen has been brought to the bar of the Senate," said Senator Thomas Morris of Ohio, "and not informed for what reason, nor of what offense he stood charged; and now it was moved that, without a hearing, he be discharged from custody. Call you this the justice of the Senate of the United States?" Senator King, in the chair, however, pointed out that the man had been charged with disorderly conduct in the presence of the Senate, and that the Senate had the right to protect itself, through summary proceedings, against such disruptions, "on the evidence of its own senses." The *Register* reports at this time that "some confusion prevailed"—as well we might expect it would! The Senate finally took up Benton's motion to discharge the unruly visitor, and passed the motion by a vote of 23 to 1. But, instead of leaving, the Bank supporter advanced to the chair saying: "Mr. President, am I not to be permitted to speak in my own defense?" The presiding officer had lost all patience by that time and shouted to the Sergeant-at-Arms: "Take him out!" [30] The Senate then adjourned after this momentous and tumultuous session.

Through these proceedings, Henry Clay had been ostentatiously dressed entirely in black, to mark his mourning for the Constitution of the United States. Clay went so far as to refuse a pinch of snuff to one of the Democratic senators who was planning to vote to expunge, a breach of Senatorial courtesy that was rare for the Kentucky gentleman. Outside the Capitol, Senators Clay and Benton came face to face. The two men were political enemies but personal friends, and were even related by marriage. On the street they vented their steam in verbal abuse on each other until they calmed down. Senator Benton insisted on seeing Henry Clay home and then stayed in conversation until three in the morning.[31]

The next day, Thomas Hart Benton's son John arrived at the White House with a present for President Jackson: the pen which had stricken his censure from the *Senate Journal.* Needless to say, Jackson was delighted and deeply touched. He kept the pen as a fond remembrance of his triumph, and in his last will and testament bequeathed the pen back to Benton "as an evidence of my high regard, and exalted opinion of your talents, virtue, and Patriotism." A few weeks later, Jackson gave a grand dinner at the White House for the "expungers" and their wives. Being too ill to attend the festivities for more than a short while, Jackson sat Thomas Hart Benton, the "head-expunger," in his chair at the head of the table.[32]

While Benton and the Democrats celebrated, Clay and the Whigs mourned their loss. "The Senate is no longer a place for any decent man," Henry Clay complained. His weariness in battle was also evident in another letter he wrote at what was to be the midpoint in a forty year career in the House and Senate: "I am truly sick of Congress." Clay, of course, did not abandon his career, and indeed was reelected to the Senate by the Kentucky state legislature in 1837. But he had suffered a long string of defeats, in his presidential campaign against Jackson, in the Bank war, and in his other legislative proposals for the sale of public lands, internal improvements, and a protective tariff.[33]

Mr. President, having recounted the story of the Senate's censure of President Jackson, and of Thomas Hart Benton's triumphant expunging of that censure from the *Journal,* I think it only fitting to conclude my remarks with a few words about the remarkable Henry Clay and the Whig party which he built and with which his name was so closely associated. The Whigs are not well remembered in American history. They lasted less than thirty years, and were perhaps the unluckiest political party in our nation's history. Although they often controlled one or both houses of Congress, they elected only two presidents, William Henry Harrison and Zachary Taylor, both of whom died early in their presidential terms. The party which could boast of such giants as Clay, Calhoun, and Webster, could elect none of them president, despite the prodigious efforts of all three of those men to achieve that honor.

Some historians, notably Henry Adams, have dismissed the Whig party for being "feeble in ideas," but this is an unfair assessment of the party which rallied around Henry Clay's "American System." The Whigs represented the new commercial and industrial interests of early nineteenth century America. While they opposed a strong presidency, they were not opposed to an active federal government. Indeed, during the Panic of 1837 we find the Jacksonian president, Martin Van Buren, complaining that the people "looked to the government for too much,"—and have we heard that recently—and the Whig Senator Henry Clay responding that the people were "entitled to the protecting care of a paternal government," and have we heard that recently. The Whigs thought of themselves as the moral party. Many Whigs were leaders in movements for temperance, public

education, the abolition of slavery, and other social reforms. Senator Clay once introduced a resolution for a day of national "humiliation and prayer" in response to a cholera epidemic, but the Jacksonians in the Senate blocked the resolution on the grounds that it violated the separation of church and state.

There is obviously much to admire in the programs and principles of the Whig party, but we must balance this with the observation that the Whigs tended to be the party of big business and of the more aristocratic forces in American society. Clay's protective tariff would protect mostly the textile manufacturers of New England and the large plantations of the South which supplied their cotton. So also the Bank of the United States, and internal improvements, would benefit the producing class first and foremost. In his recent book on *The Political Culture of the American Whigs*, Professor Daniel Walker Howe of the University of California at Los Angeles, noted that "Whig policies did not have the object of redistributing wealth or diminishing the influence of the privileged . . . For all their innovations in economic policy, the Whigs usually thought of themselves as conservatives." [34] Thus while the Whigs represented the dominant groups in society, they failed to become the dominant party. They lost critical elections to the Jacksonian Democrats who had become more clearly identified with labor, small farmers, immigrants, and the "common folk."

Mr. President, the Whig party, which was born in its opposition to President Andrew Jackson and his Bank policies, came together first in the efforts of the United States Senate to censure Jackson. The Whigs lasted for another thirty years, during which time its leaders struggled gallantly to hold this nation together against sectional tensions and powerful forces of disunity. When the Whig party finally collapsed it caused a major realignment in American politics and contributed to the coming of a terrible Civil War that divided this nation in two. But the events of this period between the birth and demise of the Whig party will be the subjects of my later addresses in this series. These were the turbulent years when the Senate would grow, in the words of the commemorative booklet on the Old Senate Chamber, "from a small council to the primary forum for the great national debates of the mid-nineteenth century." [35]

Mr. President, I ask unanimous consent to include notes to "Censure Of Andrew Jackson, 1833-1837."

There being no objection, the notes were ordered to be printed in the RECORD, as follows:

NOTES TO "CENSURE OF ANDREW JACKSON, 1833-1837"

[1] Glyndon Van Deusen, *The Jacksonian Era, 1828-1848* (New York: Harper and Row, 1959), 80-81.

[2] Peter Temin, *The Jacksonian Economy* (New York: W. W. Norton, 1969).

[3] Van Deusen, *The Jacksonian Era*, 83.

[4] *Register of Debates in Congress*, 23rd Congress, 1st sess., 27.

[5] *Ibid.*, 37.

[6] Charles Francis Adams, ed., *Memoirs of John Quincy Adams*, Vol. IX (Freeport, New York: Books for Libraries Press, 1969, 1874), 51.

[7] *Register of Debates*, 23rd Congress, 1st sess., 58-59.

[8] *Ibid.*, 59-94.

[9] *Ibid.*, 1172.

[10] Margaret L. Coit, *John C. Calhoun, American Portrait* (Boston: Houghton Mifflin, 1950), 263-265, Irving H. Bartlett, *Daniel Webster* (New York: W. W. Norton, 1978), 144-145.

[11] Glyndon Van Deusen, "The Whig Party," and Michael F. Holt, "The Democratic Party, 1828-1860," in Arthur M. Schlesinger, Jr., ed., *History of U.S. Political Parties*, Vol. I (New York: R. R. Bowker, 1973), 333-399, 570-508.

[12] Thomas Hart Benton, *Thirty Years' View; or, a History of the Working of the American Government for Thirty Years, From 1820 to 1850* (New York: D. Appleton, 1883), 400-401.

[13] Charles M. Wiltse, ed., *The Papers of Daniel Webster, Correspondence, 1830-1834*, Vol. 3 (Hanover: University Press of New England, 1977), 288; Bartlett, *Daniel Webster*, 3-11; John F. Kennedy, *Profiles in Courage* (New York: Harper and Row, 1957), 64.

[14] Benton, *Thirty Years' View*, 420-421.

[15] Adams, *Memoirs of John Quincy Adams*, Vol. IX, 116.

[16] *Register of Debates*, 23rd Congress, 1st sess., 1187.

[17] Benton, *Thirty Years' View*, 529-49.

[18] *Register of Debates*, 23rd Congress, 1st sess., 1319.

[19] *Ibid.*, 1335.

[20] *Journal of the Senate of the United States*, 23rd Congress, 1st sess., 226-228.

[21] Congressional quarterly's *Guide to Congress* (Washington: Congressional Quarterly, 1976), 582-583.

[22] Oliver Perry Chitwood, *John Tyler, Champion of the Old South* (New York: D. Appleton, 1939), 138.

[23] Henry A. Wise, *Seven Decades of Union, the Humanities, and Materialism, Illustrated by a Memoir of John Tyler* (Philadelphia: J. B. Lippincott, 1881), 142.

[24] Benton, *Thirty Years' View*, 550.

[25] *Ibid.*, 727.

[26] *Register of Debates*, 24th Congress, 2d sess., 500.

[27] Benton, *Thirty Years' View*, 550.

[28] Claude Bowers, *Party Battles of the Jackson Period*, (Boston: Houghton Mifflin, 1922), 470; Wise, *Seven Decades of Union*, 143.

[29] Wise, *Seven Decades of Union*, 143.

[30] *Register of Debates*, 24th Congress, 2d sess., 505-506.

[31] Bowers, *Party Battles of the Jackson Period*, 471.

[32] Elbert B. Smith, *Magnificent Missourian, The Life of Thomas Hart Benton* (Philadelphia: J. B. Lippincott, 1958), 165.

[33] Glyndon Van Deusen, *The Life of Henry Clay*, (Boston: Little, Brown, 1937), 276-300.

[34] Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 11-22.

[35] Senate Commission on Art and Antiquities, *The Senate Chamber, 1810-1859* (Washington: The Government Printing Office, 1976), 8.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. RUDMAN). Is there further morning business? If not, morning business is closed.

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1981

The PRESIDING OFFICER. The clerk will now report the pending business.

The legislative clerk read as follows:

A bill (S. 391) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

The Senate resumed consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, during earlier debate on S. 391, the Intelligence Identities' Protection Act, I raised the question of whether the Supreme Court had ever upheld a statute in the first amendment area where the only criminal intent required was a "reason to believe" standard which the Justice Department has described as a negligence standard. The proponents of the "reason to believe" standard have not cited any Supreme Court precedent upholding a statute proscribing activity in the first amendment area where a requirement of bad purpose was not included in the statute. Senator CHAFEE did cite four lower court cases which discussed a "reason to believe" standard in national security crimes.

When I earlier talked about this, Mr. President, I expressed my concern about dangers to the first amendment and stated that in my years in public life, both as a prosecutor and U.S. Senator, the part of the Constitution which has guided me the most, and certainly guided my consideration the most, has been the first amendment.

I feel that it is by far the most important part of our Constitution. Not

only does everything else pale beside the first amendment, but it is questionable whether the rest of the Constitution could last long without the first amendment.

So I was interested in the cases cited by Senator CHAFEE. I was interested in whether a negligence standard had been applied in a first amendment case. If so, then I would be quite concerned that we might see a quick erosion of the first amendment.

I found that none of the cases really addressed the issue before the Senate. Three of the cases involved no first amendment claims whatsoever. Two of these cases concerned sabotage during time of war or national emergency. The third involved a related crime of producing defective war material during time of war or national emergency. Clearly, persons engaged in blasting high voltage electric powerlines, burning ROTC buildings, or knowingly supplying the Army with defective airplane parts cannot be compared to a newspaper reporter legitimately investigating abuses by the intelligence community.

Only one of the cases cited last week by Senator CHAFEE, the Progressive case, involved any first amendment rights. That case involved no prosecution under the "reason to believe" standard. Rather, the case was a civil action seeking to enjoin the Progressive magazine from publishing material classified as "restricted data" under the Atomic Energy Act. While the injunction was entered at the district court level, it should be noted that the Government dropped the case on appeal, the magazine published the data, and no prosecution under the "reason to believe" standard ensued.

I repeat what I said earlier. This issue is too serious to afford the Senate the luxury of seeing just how close to the constitutional limit we can go without crossing over the line.

I am getting very concerned, Mr. President, that in matter after matter coming before the Senate of late, we try to see how far we can push the Constitution.

I see more and more the position taken that we really should not act on constitutional issues here, but simply pass a law and let the Supreme Court straighten out whatever mess we might create.

Mr. President, we have a duty to preserve and protect the Constitution, and I want to make sure that we indeed do that.

Really, with no legal precedents supporting the position put forward by the distinguished Senator from Rhode Island, put forward out of a sincere desire to protect the legitimate interests of our intelligence agents, a desire shared by me—he and I being of one mind in that regard, but of different minds as to how we go about doing it—with no legal precedents supporting his position, the safer thing to do, the wiser thing to do, is to follow the only Supreme Court decision clearly on point in this area, the Gorin decision, and include a bad purpose or intent standard in section 601(c) in the bill.

I now wish to present a summary of the facts and holdings of the cases cited by Senator CHAFEE.

United States v. *Achtenberg*, 459 F.2d 91 (8th Cir. 1972).

In Achtenberg the defendant had been convicted of violating the Sabotage Act due to his involvement in a series of incidents including the burning of an Army ROTC building at Washington University in late 1970. The Sabotage Act applies only in time of war or national emergency. On appeal, the court determined that the coverage of the Act was not overbroad and that its meaning was not unconstitutionally vague. "Reason to believe" was among those terms held not unconstitutionally vague. Although the statute would ordinarily proscribe the burning of an Army ROTC building as something which might injure, interfere with or obstruct the United States in preparation for war, the court reversed and remanded for a new trial due to procedural errors by the lower court which had resulted in prejudice to the defendant.

United States v. *Bishop*, 555 F.2d 771 (10th Cir. 1977).

The defendant, Bishop, had been convicted of bombing and destroying four high voltage line towers which, due to their proximity to and use by federal military contractors, an Air Force Base and an Arsenal, were considered under the protection of the Sabotage Act. The purpose of the bombings had been to create domestic turmoil which would require the government to bring troops back from Vietnam. The defendant asserted that terms such as "reason to believe" were unconstitutionally vague. The court held that the Federal Sabotage Act was sufficiently clear to give fair notice of prohibited acts to a normally intelligent person, and was not void for vagueness.

Although there was sufficient evidence regarding the defendant's activities for conviction, the court held that the declaration of a national emergency in 1950, upon which the prosecution was based, did not give the defendant sufficient notice that the Act, which is only applicable when there is a declarded war or a national emergency, would proscribe his conduct. The court reversed the conviction with the direction that the indictment be dropped.

Schmeller v. *United States*, 143 F2d. *544 (6th Cir. 1944).*

The appellants in Schmeller, a manager and a metallurgist for a foundry company which made aluminum castings for airplanes used in World War II, had been convicted under a federal statute that prohibited the making of war material in a defective manner. The offense must be "willful" and done with "reason to believe" that the act may injure or interfere with governmental war measures. That statute proscribes such activity only "when the United States is at war or in times of national emergency," and requires that the accused know he is producing a defective product.

The constitutionality of the "reason to believe" standard was not addressed by the court. The court instead focused on the evidentiary and procedural difficulties encountered in the court below. The court determined that the minor imperfections in the casting were not such as to render them "defective" and that no evidence in the record supported the conviction of the appellants. The judgments and the sentences were set aside and the lower court was ordered to grant defendants' motion for a directed verdict.

United States v. *Progressive, Inc.*, 467 F. Supp. 990 (W.D. Wis. 1979); 485 F. Supp. 5 (W.D. Wis. 1979), *appeals dismissed*, 610 F.2d 819 (7th Cir. 1979).

In *Progressive*, the United States brought a civil case seeking a temporary restraining order to enjoin the release of an article by *Progressive* magazine detailing the manufacture and assembly of the hydrogen bomb. A preliminary injunction was sought on the basis that the article contained government information classified within the meaning of "restricted area" under the Atomic Energy Act and that publication of such an article would "likely constitute a violation of the Act." That Act prohibits anyone from communicating, transmitting, or disclosing any restricted data to any person "with reason to believe that such data will be utilized to injure the United States or to secure an advantage to any foreign nation."

The court determined that there were concepts presented in the article which came within the definition of restricted data in the Atomic Energy Act. The court found that the statute and standards as applied in the case were not vague or overbroad. The court concluded that the release of such essentially classified material would secure an advantage to foreign nations within the meaning of the Act, by assisting foreign nations in the development of nuclear weaponry and accelerating "the membership of a candidate nation in the thermonuclear club."

The preliminary injunction was entered by the district court. The court did not address the question of whether the reason to believe standard in a criminal prosecution would violate the First Amendment. Nor did the court address whether the reason to believe standard as used in the Atomic Energy Act, referring to willful use of the information to injure the United States or advantage a foreign nation, requires a showing of bad purpose. See *Gorin* v. *United States*, 312 U.S. 19, 27-28 (1941) (Intent or reason to believe that information obtained is to be used to injure the United States requires a showing that defendant acted in bad faith).

Later developments rendered the case moot before the court of appeals could review the decision. While awaiting appeal, information regarding the makeup of nuclear weaponry became public knowledge, prompting the Justice Department to drop its case. The article in question was ultimately published. Although the Justice Department reserved its right to bring criminal charges against *Progressive*, none were ever brought.

Mr. President, let me just address myself briefly once more on this.

All of us, I believe, in the Senate are quite interested in seeing that the identities of our agents, abroad or here, are protected. We do not want to see a list of members of our intelligence agencies published, especially in countries where they may be in physical harm.

Contrary to the view that some have of a James Bond kind of superagent, so many of our intelligence agents are among the most innocuous people you

will meet. Many are downright professorial. Their duties may involve analyses of the published reports of the particular country in which they serve, economic analyses, linguistic analyses. These agents are there because of their economic or linguistic abilities, certainly not because of their martial arts abilities or anything of that nature.

All of these agents must be protected. As I said earlier, I commend the distinguished Senator from Rhode Island for his efforts in wanting to protect them.

In doing so, however, we protect them because by protecting them we protect the interests of our country. Let us not forget that one of the greatest interests of our country is in protecting our own Constitution, the framework of our own Government, and as I said before, the foundation of our Constitution has to be the first amendment. If the first amendment fails, everything fails with it. If we remove the right of free press and the right and ability of people to speak out in this country, what have we sacrificed for over 200 years? What do we stand for today? What does this body stand for, this Chamber, what do each of us as Members stand for, if not to protect the people's right of free speech?

We are separate and apart from every other country in the world because of our first amendment. No other country has such rigid right of free speech. In the guise of protecting ourselves, let us not harm ourselves by cutting back on that right.

I would urge that we not adopt a negligence standard, something that is more appropriate to the less stringent nature of civil law.

I would point out as I did last week, Mr. President, that the Justice Department and the Director of the CIA have both said that the provision passed by the Judiciary Committee, the amendment proposed by Senator BIDEN, myself, and others, would be acceptable to them, that they could prosecute under it, and it would give them the protection they needed. Not only that, but they said that the provision proposed by us would pass constitutional muster. Everybody appears to agree on that.

The provision proposed by my distinguished friend from Rhode Island, however, does not have a unanimity of opinion as whether it is constitutional and, for that reason alone, we ought to stay away from it.

Certainly, if we have a provision that can pass constitutional muster, that can protect our agent identities, then that is the one that we should go with.

Mr. President, at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1256

Mr. CHAFEE. Mr. President, I ask unanimous consent that two more cosponsors be added to my amendment: Senator MCCLURE of Idaho and Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I wish to address certain statements that have been made in the course of the debate on this bill, which has covered a period, intermittently, of the last 2 weeks. The matter which we are addressing is the amendment which I submitted, amendment No. 1256. That is the pending matter on the floor.

POSITION OF THE ADMINISTRATION

At various times during the course of consideration of the identities legislation and my amendment, it has been suggested that the committee version—not my amendment but the committee version—is acceptable to the administration. In support of this contention, proponents of the committee version have introduced into the RECORD a letter dated July 15, 1981. That letter was from the Director of the Central Intelligence Agency, Mr. Casey, to Chairman BOLAND of the House Intelligence Committee. In this letter, Director Casey declared his willingness to support what was then the House Intelligence Committee version of the legislation. The proponents of the Judiciary Committee version—which is on the floor here today—have cited this letter but have consistently failed to note the fact that the Director stressed that the Chafee-Jackson version, or the amendment on the floor today, is preferable.

Let me quote from the letter. After expressing his willingness to support what was then the House Intelligence Committee's version of the bill, Director Casey said:

> I must emphasize, however, that the administration's preference for S. 391, the Senate version of the Identities Bill, remains unchanged.

What he is referring to there is the bill as originally introduced, which, of course, is the amendment which I have on the floor today. It should be emphasized, thus, that when the Director was saying the House language was acceptable, it was clearly not the preference of the administration.

Mr. President, I ask unanimous consent that Director Casey's letter of July 15, 1981, to the chairman of the House Intelligence Committee, Representative BOLAND, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., July 15, 1981.

Hon. EDWARD P. BOLAND,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have had my General Counsel look carefully at the proposed amendment to H.R. 4 which you sent to us on 24 June. As you will note from the enclosed memorandum, he believes that the proposed amendment may be deficient in certain respects and that it could undermine the effectiveness of the legislation. He has set forth an alternative which would be acceptable under certain conditions. We would be prepared to support this alternative, which I understand is already familar to members and staff of your Committee, if its adoption would ensure House floor consideration of the Identities Bill directly following the reporting of H.R. 4 from your Committee. I must emphasize, however, that the Administration's preference for S. 391, the Senate version of the Identities Bill, remains unchanged.

I hope that you have had the opportunity to read the Supreme Court's opinion in *Haig* v. *Agee*, which was handed down on 29 June. This opinion goes a long way toward dispelling any residual concerns about the constitutionality of the Identities legislation. I believe we must avoid any further delay which would jeopardize our mutual goal of securing enactment of the Identities Bill in this session of Congress. I hope, therefore, that the Permanent Select Committee on Intelligence will move forward expeditiously in reporting H.R. 4 favorably.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

Mr. CHAFEE. Mr. President, during the debate on this bill on March 4 of this year, the Senator from Pennsylvania (Mr. SPECTER) declared that he had met with Director Casey twice and that Director Casey stated that he found the Judiciary Committee version of the bill to be acceptable. I received a letter from Mr. Casey dated March 12, 1981, which I believe provides the definitive statement of the intelligence community's position on the indentities bill. I wish to read Mr. Casey's letter at this time. This is the intelligence community's position on this legislation. The letter is addressed to me.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., March 12, 1982.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHAFEE: It has been brought to my attention that, during the Senate's consideration of the Intelligence Identities Protection Act on 4 March 1982, Senator Specter declared he had met with me twice, and he knew that I find the Judiciary Committee version of S. 391 to be acceptable.

I believe it is important that you have the benefit of my position. Certainly the Judiciary Committee version of the Bill would be preferable to no legislation at all; but it should be clear that the Intelligence Com-

munity firmly supports the Attorney General and the President in their belief that the verson of subsection 601(c) passed by the House of Representatives and embodied in the Chafee-Jackson amendment to S. 391 is, as President Reagan put it in his letter of 3 February 1982 to the Majority and Minority Leaders of the Senate, "far more likely to result in an effective law." I believe Senator Specter fully understands that this is my position.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

At the same time, Mr. President, I ask unanimous consent that President Reagan's letter of February 3, 1982, to which Director Casey refers, also be printed in the RECORD at this time. Before that goes in, Mr. President, I shall quote just a few words from it:

Last September the House of Representatives overwhelmingly passed the Administration-supported version of the Intelligence Identities Protection Act. The Senate is soon to take up consideration of this legislation, and you will have before you two versions. While I believe that both versions are fully protective of constitutional guarantees, Attorney General Smith and I firmly believe that the original version, first introduced by Senator Chafee and others, is far more likely to result in an effective law that could lead to successful prosecution.

I strongly urge you and each of your colleagues to support the carefully-crafted Chafee-Jackson amendment to S. 391. I cannot overemphasize the importance of this legislation.

That is signed by Ronald Reagan and this letter, which was also sent to the minority leader, was addressed to the majority leader (Mr. BAKER) on February 3, 1982.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 3, 1982.

Hon. HOWARD H. BAKER,
Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: Legislation to make criminal the unauthorized disclosure of the names of our intelligence officers remains the cornerstone for the improvement of our intelligence capabilities, a goal that I know we share. Nothing has been more damaging to this effort than the pernicious disclosures of the names of officers whom we send abroad on dangerous and difficult assignments. Unfortunately, these disclosures continue with impunity, endangering lives, seriously impairing the effectiveness of our clandestine operations, and adversely affecting morale within our intelligence agencies.

Last September the House of Representatives overwhelmingly passed the Administration-supported version of the Intelligence Identities Protection Act. The Senate is soon to take up consideration of this legislation, and you will have before you two versions. While I believe that both versions are fully protective of constitutional guarantees, Attorney General Smith and I firmly believe that the original version, first introduced by Senator Chaffee and others, is far more likely to result in an effective law that could lead to successful prosecution.

I strongly urge you and each of your colleagues to support the carefully-crafted Chafee-Jackson amendment to S. 391. I cannot overemphasize the importance of this legislation.

Sincerely,

RONALD REAGAN.

Mr. CHAFEE. Mr. President, there can be no question as to the position of the President of the United States, the Justice Department, or the intelligence community with respect to the Chafee-Jackson amendment to this bill, the amendment we are now considering.

They all prefer it. They want it to pass the Senate. They want the Chafee-Jackson language to be subsection 601(c) of S. 391.

DIFFERENCE BETWEEN VERSIONS

Mr. President, we have had considerable debate on this matter, principally led by the Senator from Delaware. On February 25, 1982, some statements were made by that distinguished Senator in which he implied there really was no difference between the intent language and the reason to believe language as it applied to the effectiveness of this legislation in securing a successful prosecution. I read from Senator BIDEN's statement in the RECORD:

The Senator says we have these guys who are publishing these bulletins saying, "Well, I intended to help America when I disclosed the name of Joe Doakes, who is an agent of the CIA, so don't find me guilty because, although I intended something, I did not intend to hurt, I intended to help."

I submit that under the reason to believe standard, he can say the same thing.

In other words, Senator BIDEN is now taking issue with the amendment I have on the floor—namely, the reason to believe language—and he suggests, as we learn through this quotation, that he thinks a defendant can successfully escape prosecution by saying that he really did not intend to do any harm, that he really intended to help the intelligence community.

Senator BIDEN continues:

I submit that under the reason to believe standard, he—

Meaning the accused—

can say the same thing. He can stand before the jury and say, "Ladies and gentlemen, I had reason to believe this would help America when I disclosed the name of Joe Doaks"—

namely, the CIA agent.

That completes the quotation from the record of February 25 of this year.

Mr. President, the implication of the statement by the distinguished Senator from Delaware is that the reason to believe standard is really just as subjective as the intent to impair or impede standard. A defendant can claim that he had no reason to believe his disclosure would impair or impede U.S. intelligence activities.

Of course, a defendant can claim he had no reason to believe, just as he can claim he had no intent to harm the intelligence activities of the United States. However, that is not the essential point. A defendant can claim anything, any time.

The point is this: Under the subjective language—namely, the intent language which is in the committee bill—a jury must find that the defendant actually possessed the requisite intent to impair or impede intelligence activities of the United States. The jury has to find that intent in the breast of the defendant.

Under the reason to believe language, which we have in my amendment, the jury can determine that under all the relevant facts and circumstances, a reasonable person would have had reason to believe that his disclosure would impair or impede the intelligence activities of the United States. That is the objective standard. The reason we consider the reason to believe language to be objective is that you can look at the facts and ask, "Is this what a reasonable person would have had cause to believe?"

Thus, Mr. President, the reason to believe standard takes the jury out of the breast of the defendant, out of the intent to impair and impede, and requires the jury to concentrate on the objective facts of the matter. Surely, this is an important difference.

Furthermore, the distinguished Senator from Delaware has stated that both versions of the bill can get the job done. He says:

Why take a chance with the Chafee-Jackson amendment, which is more likely to be declared unconstitutional?

I do not agree that both versions will get the job done. There are serious questions as to whether the subjective intent standard in the committee bill will be effective. This issue, as to whether Senator BIDEN's specific intent standard would be effective from a prosecutorial standpoint, was raised before the House Intelligence Committee last year, on April 7, 1981, when Mr. Richard Willard, counsel to the Attorney General for Intelligence Policy, stated as follows:

. . . The specific intent requirement could serve to confuse the issues to the point where the Government could be unable to establish the requisite intent beyond a reasonable doubt in prosecutions brought under the statute.

This is a representative of the Attorney General's speaking, who was counsel to the Attorney General of the United States. This is what he says.

Mr. Richard Willard believes, as we note here, that the intent requirement could serve to confuse the issue, to the point where the Government would be unable to establish the intent beyond a reasonable doubt.

Mr. Willard dismissed the intent provision. Then he moves to the bill that was originally introduced which contains my language. He says:

The Senate counterpart of this bill. S. 391, alleviates these potential problems by re-

quiring only that a defendant be shown to have had "reason to believe," rather than specific intent, that the disclosure would impair or impede U.S. intelligence activities. This objective standard is preferable to the Justice Department since it would relieve the difficult burden otherwise imposed on the Government to prove the defendant acted with an evil state of mind. This type of "reason to believe" standard has been found by the courts to be valid and has survived constitutionally-based charges of overbreadth and vagueness. See, e.g., *United States* v. *Bishop*, 555 F.2d 771 (10th Cir. 1977); *Schmeller* v. *United States*, 143 F.2d 544 (6th Cir. 1944). We believe this standard would be more easily applied and sustained by the courts.

That concludes the statement by Mr. Willard.

So this reason-to-believe standard is nothing new. It is not something we have plucked from the air. This is a standard that exists in current statutes, particularly statutes dealing with espionage and related activities, and it has been held constitutional. It has been held constitutional by surviving the challenges both on overbreadth and vagueness.

Mr. President, I believe it is extremely important that Congress pass an effective bill.

(Mr. MATTINGLY assumed the chair.)

Mr. CHAFEE. The language in the Senate Judiciary Committee's version has already been rejected by the House of Representatives. The language in 601(c) that we are considering here in the Chamber came from the Senate Judiciary Committee. It is the exact same language that came onto the floor of the House of Representatives from committee. The language was changed on the House floor. It was rejected, and in place of it was substituted the very language I have in my amendment. That language passed overwhelmingly in the House, 354 to 56 last fall.

If we want a bill and if we want to deal with this problem, then let us adopt the amendment I am proposing. Make it part of the bill, pass the bill, and then the bills from the Senate and the House of Representatives will be practically the same. There will be no long drawn out conference. There will be no problems. We will have legislation. We will stop "naming names." If we reject my amendment and adopt the committee language, then we have problems resolving this difference with the House of Representatives. Then I could not make any prediction as to whether we will indeed have legislation on this subject this year or any year.

All of us have seen situations arise where different languages are passed in each House, there are long delays, and sometimes the differences are never reconciled. I have been through conferences where conferees never came to a conclusion.

So if we truly want legislation, I urge the support of my amendment.

It is not true that the reason to believe standard is more likely to be declared unconstitutional. The Supreme Court has spoken on the issue in the Agee case. The court specifically said that unauthorized disclosures of intelligence identities "are clearly not protected by the Constitution."

The Carter and Reagan Justice Department have both favored the objective reason-to-believe standard. The reason-to-believe standard is contained in a number of Federal criminal statutes and had been upheld by the courts.

At this point I ask unanimous consent to have printed in the RECORD the following items:

One, a listing of Federal criminal statutes employing reason to believe, and we have here nine separate ones in which the reason-to-believe standard is there. I will not give the United States Code numbers. They are all in 18 U.S.C. except for the last one which is 42 U.S.C. But they deal with gathering defense information, duplication of defense documents or objects, receiving defense information, transmitting defense information, unauthorized possession of defense information, providing defense information to aid foreign governments, destruction of defense facilities, obstructing defense production, and communication of restricted data.

All these statutes have the language utilizing the reason-to-believe standard. Sometimes it is prefaced by the phrase "with intent or reason to believe." It does not mean "and reason to believe." It means one or the other.

The first statute refers to gathering defense information; the next one prohibits duplication of defense documents or objects. They have the intent or reason-to-believe language.

The next statute refers to receiving defense information. The language talks about knowing or having reason to believe that it could be used contrary to the provisions of the statute. Notice there is no intent language whatever in there. Knowing or having reason to believe is the language.

The next statute deals with transmitting defense information and has only the reason to believe standard. There is no intent standard.

Another statute prohibits the unauthorized possession of defense information, which the possessor has reason to believe could be used to the injury of the United States. There is nothing about intent. Instead it requires the reason to believe standard for prosecution.

The destruction of defense facilities legislation, 18 United States Code 2153, section (a), states that the defendant must have the intent or reason to believe that his act may injure the United States. Again, in 18 United States Code 2154, obstructing defense production, there is the same standard: Anyone with intent or reason to believe his act may injure the United States.

In 42 United States Code 2274(b), communication of restricted data, the act states that whoever communicates restricted data with reason to believe such data will be utilized to injure the United States shall be punished.

The second group of documents is a review of Federal court cases involving the reason to believe standard. I shall just quote one: *Schmeller* v. *United States* (Sixth circuit, 1944).

Schmeller and others were convicted of violating a Federal statute which reads in pertinent part:

"When the United States is at war • • •

This is in a war situation, but the pertinent point is the following language:

• • • whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States

The Court of Appeals affirmed the sufficiency of the indictment under the statute.

Quoting now the sixth circuit:

Under the latter part of this statute the specific intent to injure or interfere with the war effort of the United States or any associate nation need not be proved.

There is no necessity to prove intent.

The act of willfully making war material in a defective manner, with reason to believe that the act may injure or interfere with governmental war measures, constitutes the offense.

And the court continued:

The appellants are clearly apprised of the specific offense charged, for the casting is identified and its heat number gives the appellants the precise date.

Mr. President, next are highlights of Supreme Court cases dealing with the subject of governmental interests restricting the first amendment in certain situations.

I wish to discuss briefly *Haig* v. *Agee*, 101 Supreme Court 2766, which was just decided last year. It is very analogous to the first amendment arguments that are being raised on the floor here today.

In that case, Philip Agee, an American citizen and a former Central Intelligence Agency employee, engaged in activities abroad that resulted in identification of alleged undercover CIA officers and intelligence sources in foreign countries. In accordance with a State Department regulation issued under the Passport Act of 1926, the Secretary of State revoked Mr. Agee's passport on the ground that he was causing serious damage to the national security of the United States. The Supreme Court upheld the revocation as consistent with the Constitution and the Passport Act.

And this is what the Chief Justice said with regard to the first amendment:

Assuming arguendo that First Amendment protections reach beyond our national boundaries, Agee's First Amendment claim has no foundation. The revocation of Agee's passport rests in part on the content of his speech: specifically, his repeated disclosures of intelligence operations and names of intelligence personnel. Long ago, however, this Court recognized that "No one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of its troops."

The Chief Justice continues:

Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They *are clearly not protected by the Constitution.* The mere fact that Agee is also engaged in criticism of the Government does not render his conduct beyond the reach of the law. (Emphasis added.)

That is the end of Chief Justice Burger's quote.

Mr. President, I ask unanimous consent that those articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT FEDERAL CRIMINAL STATUTES EMPLOYING "REASON TO BELIEVE" SCIENTER STANDARD

Nine separate federal criminal offenses include the "reason to believe" scienter standard:

(1) 18 U.S.C. 793(a): Gathering defense information;

(2) 18 U.S.C. 793(b): Duplication of defense documents or objects;

(3) 18 U.S.C. 793(c): Receiving defense information;

(4) 18 U.S.C. 793(d): Transmitting defense information;

(5) 18 U.S.C. 793(e): Unauthorized possession of defense information;

(6) 18 U.S.C. 794(a): Providing defense information to aid foreign government;

(7) 18 U.S.C. 2153: Destruction of defense facilities;

(8) 18 U.S.C. 2154: Obstructing defense production;

(9) 42 U.S.C. 2274: Communication of restricted data.

18 U.S.C. 793(a): Gathering defense information:

Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building office, research laboratory or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both.

18 U.S.C. 793(b): Duplication of defense documents or objects:

Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or . . . shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

18 U.S.C. 793(c): Receiving defense information:

Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both.

18 U.S.C. 793(d): Transmitting defense information:

Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or . . . shall be fined not more than $10,000 or imprisoned not more than ten years or both.

18 U.S.C. 793(e): Unauthorized possession of defense information:

Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or . . . shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

18 U.S.C. 2153: Destruction of defense facilities:

(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.

18 U.S.C. 2154: Obstructing defense production:

(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises or war utilities, or any tool implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section.

42 U.S.C. 2274: Communication of restricted data:

Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data—

(a) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States

or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000 or both;

(b) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than ten years, or both.

HIGHLIGHTS

Supreme Court

Gorin v. *U.S.* (1944)—"Reason to believe" characterized as sufficient scienter in criminal statute.

Courts of appeals

U.S. v. *Bishop* (10th Cir. 1977)—"Reason to believe" standard sufficiently precise for criminal statute to withstand vagueness attack.

U.S. v. *Achtenberg* (8th Cir. 1972)—"Reason to believe" standard sufficiently precise for criminal statute to withstand vagueness and overbreadth attack.

Schmeller v. *United States* (6th Cir. 1944)—"Reason to believe" criminal statute upheld; no requirement to prove specific intent.

District court

U.S. v. *Progressive, Inc.* (W.D. Wisc. 1979)—"Reason to believe" standard withstands vagueness and overbreadth attack.

GORIN V. UNITED STATES

(312 U.S. 19 (1971))

THE CASE

Gorin, a citizen of The Union of Soviet Socialist Republics, was convicted of violating sections 1(b), 2(a), and 4 of The Espionage Act of 1917 which punished copying national defense documents and furnishing them to a foreign government "with intent or reason to believe that the information obtained is to be used to the injury of the United States, or to the advantage of any foreign nation." The Supreme Court upheld the conviction against Gorin's claim that The Espionage Act violated due process because of indefiniteness.

SUPREME COURT ON REASON TO BELIEVE

"But we find no uncertainty in this statute which deprives a person of the ability to predetermine whether a contemplated action is criminal under the provisions of this law. The obvious delimiting words in the statute are those requiring 'intent *or reason to believe that the information to be obtained is to be used to the injury of the United States,* or to the advantage of any foreign nation.' This requires those prosecuted to have acted in bad faith. The sanctions apply only when *scienter* is established." (27, 28) (emphasis added.)

UNITED STATES V. BISHOP

(555 F. 2d 771 (10th Cir. 1977))

THE CASE

Bishop was convicted under The Federal Sabotage Act for dynamiting four high-voltage electric line towers. The Federal Sabotage Act, 18 U.S.C. 2153(a), read in pertinent part:

"Whoever, . . . in times of national emergency declared by The President or by The Congress, . . . *with reason to believe that his act may injure, interfere with, or obstruct the United States* or any associate nation in preparing for or carrying on . . . defense activities, willfully injures, destroys, contaminates, or infects . . . any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both." (Emphasis added.)

While the Court of Appeals reversed the conviction on the ground that the defendant had constitutionally insufficient notice that the U.S. was in a state of national emergency, the Court upheld the "reason to believe" standard as a sufficiently clear *scienter* standard.

COURT OF APPEALS ON REASON TO BELIEVE

"Defendant argues that Section 2151, the definition section of the Sabotage Act, and Section 2153 are void for vagueness. The vague terms are said to be 'defense activities,' 'reason to believe,' 'national emergency,' 'preparing for,' 'war material,' and 'war premises.' *United States v. Achtenberg* [citation] was concerned with the same statutory provisions we have mentioned and held that the Act is sufficiently clear to give fair notice to a normally intelligent person. We agree."

UNITED STATES V. ACHTENBERG

(459 F. 2d 91 (8th Cir. 1972))

THE CASE

Achtenberg was convicted under the Federal Sabotage Act, 18 U.S.C. 2153(a), for setting fire to the Army Reserve Officers Training Corps building at the Washington University in St. Louis, Missouri. The Act reads in pertinent part:

"Whoever, . . . in times of national emergency declared by the President or by the Congress, . . . *with reason to believe that his act may injure, interfere with, or obstruct the United States* or any associate nation in preparing for or carrying on . . . defense activities, willfully injures, destroys, contaminates, or infects . . . any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both." (emphasis added.)

Although a new trial was ordered due to the trial judge's errors in admitting evidence, the Court of Appeals upheld the "reason to believe" language against vagueness and overbreadth challenges.

COURT OF APPEALS ON REASON TO BELIEVE

"Defendant in his attack on Section 2153(a) as unconstitutional, vague and overbroad states:

" 'The vague terms are "defense activities", "reason to believe", "national emergency", "preparing for", "war material" and "war premises". Both the terms themselves and the manner in which they are interlinked or applied in the statute, create the constitutional infirmity.'

". . . In *United States* v. *Mechanic* 8 Cir., 454 F. 2d 849 (1971), we stated:

'A statute may not forbid the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application. [citation] It will be found void for vagueness and overbreadth if it fails to give a person of ordinary intelligence fair notice that his conduct is forbidden by statute. [citation] We think that Section 232, read in conjunction with Section 231(a)(3), is sufficiently clear that a normally intelligent person could ascertain its meaning and would be given fair notice of whether or not his conduct is forbidden under it.'

"We are satisfied that such test is met in our present case."

SCHMELLER V. UNITED STATES

(143 F. 2d 544 (6th Cir. 1944))

THE CASE

Schmeller and others were convicted of violating a federal statute which reads in pertinent part:

"When the United States is at war . . . whoever, *with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war,* shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall upon conviction thereof, be fined not more than $10,000 or imprisoned not more than thirty years, or both." (emphasis added.)

Although the convictions were set aside due to the trial court's failure to instruct the jury to disregard inadmissible evidence to which they were exposed, the Court of Appeals affirmed the sufficiency of the indictment under the statute.

COURT OF APPEALS ON REASON TO BELIEVE

"Under the latter part of this statute the specific intent to injure or interfere with the war effort of the United States or any associate nation need not be proved. The act of willfully making war material in a defective manner, with reason to believe that the act may injure or interfere with governmental war measures, constitutes the offense." (548)

"[Count III of the indictment] charges that with reason to believe that the United States or the associate nations would be injured, appellants willfully made the particular casting 'in a defective manner' by welding. The appellants are clearly apprised of the specific offense charged, for the casting is identified and its heat number gives the appellants the precise date. The charge that the casting was made in a defective manner is adequate, for the allegation to the effect that it was defectively made by welding is merely another method of stating that it was made by welding defectively. The indictment therefore states an offense under the statute." (549)

SUPREME COURT CASES ON THE INTERPLAY BETWEEN GOVERNMENTAL INTERESTS AND FREEDOM OF SPEECH

HIGHLIGHTS

Haig v. Agee (1981)—disclosures of intelligence operations and the names of undercover intelligence personnel are clearly not protected by the Constitution.

U.S. v. O'Brien (1968)—when speech and nonspeech elements are combined in a course of conduct, important governmental interests in regulating the nonspeech element justifies incidental limitations on the speech element.

Chaplinsky v. New Hampshire (1942)—to further important governmental interests, the government may restrict utterances that are not part of the exposition of ideas and are of slight social value as a step to truth.

Frohwerk v. U.S. (1919)—The First Amendment was not intended to immunize every possible use of language.

HAIG v. AGEE
(— U.S. —, 101 S. Ct. 2766 (1981))

THE CASE

Philip Agee, an American citizen and a former Central Intelligence Agency employee, engaged in activities abroad that resulted in identification of alleged undercover CIA officers and intelligence sources in foreign countries. In accordance with a State Department regulation issued under the Passport Act of 1926, the Secretary of State revoked Mr. Agee's passport on the ground that he was causing serious damage to the national security of the United States. The Supreme Court upheld the revocation as consistent with the Constitution and the Passport Act.

SUPREME COURT ON THE FIRST AMENDMENT (PER BURGER, C.J.)

"Assuming *arguendo* that First Amendment protections reach beyond our national boundaries, Agee's First Amendment claim has no foundation. The revocation of Agee's passport rests in part on the content of his speech: specifically, his repeated disclosures of intelligence operations and names of intelligence personnel. Long ago, however, this Court recognized that 'No one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of its troops.' [citation] *Agee's disclosures,* among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They *are clearly not protected by the Constitution.* The mere fact that Agee is also engaged in criticism of the Government does not render his conduct beyond the reach of the law." (2783) (emphasis added.)

UNITED STATES v. O'BRIEN
(391 U.S. 367 (1968))

THE CASE

O'Brien burned his selective service registration certificate publicly to influence others to adopt his antiwar beliefs. He was convicted of violating a federal statute prohibiting the knowing destruction or mutilation of such a certificate. The Supreme Court upheld the conviction against a First Amendment challenge.

SUPREME COURT ON THE FIRST AMENDMENT (PER WARREN, C.J.)

"We cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea. However, even on the assumption that the alleged communicative element in O'Brien's conduct is sufficient to bring into play the First Amendment, it does not necessarily follow that the destruction of a registration certificate is constitutionally protected speech. *This Court has held that when 'speech' and 'nonspeech' elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms.* To characterize the quality of the governmental interest which must appeal, the Court has employed a variety of descriptive terms: compelling; substantial; subordinating; paramount; cogent; strong. Whatever imprecision inheres in these terms, we think it clear that a governmental regulation is sufficiently justified if it is within the constitutional power of the government; if it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest." (376-77) (emphasis added.)

CHAPLINSKY v. NEW HAMPSHIRE
(315 U.S. 568 (1942))

THE CASE

Chaplinsky distributed literature of the Jehovah's Witnesses on the streets of Rochester, New Hampshire. A hostile crowd complained to the City Marshal that Chaplinsky denounced all religion as a racket. The Marshal replied that Chaplinsky's activities were lawful, but advised Chaplinsky that the crowd was becoming restless. Subsequently, a disturbance occurred and a nearby policeman started with Chaplinsky for the police station. En route to the station they encountered the City Marshal to whom Chaplinsky stated "you are a god damned racketeer," "a damned Fascist and the whole government of Rochester are Fascists or agents of Fascists." Chaplinsky was convicted of using provocative offensive words directed at a person in a public place. The Supreme Court upheld the conviction against Chaplinsky's claim of protection for the speech under the First Amendment as made applicable to the States by the Fourteenth Amendment.

SUPREME COURT ON THE FIRST AMENDMENT (PER MURPHY, J.)

"Allowing the broadest scope to the language and purpose of the Fourteenth Amendment, it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. *It has been well observed that such utterances are no essential part of the exposition of any ideas, and are of such slight social value as a step to the truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.*" (572-73) (emphasis added.)

FROHWERK v. UNITED STATES
(249 U.S. 204 (1919))

THE CASE

Frohwerk was convicted of conspiracy to obstruct military recruiting in violation of the Espionage Act of 1917. He published the *Missouri Staats Zeitung* advocating that the members of the U.S. armed forces mutiny. The Supreme Court affirmed the convictions against a First Amendment free speech challenge.

SUPREME COURT ON THE FIRST AMENDMENT (PER HOLMES, J.)

"[T]he First Amendment while prohbiting legislation against free speech as such cannot have been, and obviously was not, intended to give immunity for every possible use of language. [citation] We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counselling of murder within the jurisdiction of Congress would be an unconstitutional interference with free speech." (206)

DEBS v. UNITED STATES
(249 U.S. 211 (1919))

THE CASE

Debs was convicted of advocating in a public speech that members of the armed forces should refuse to fight, in violation of the Espionage Act of 1917. The Supreme Court upheld the conviction against a First Amendment free speech challenge.

SUPREME COURT ON THE FIRST AMENDMENT (PER HOLMES, J.)

"The defendant [Debs] addressed the jury himself, and while contending that his speech did not warrant the charges said 'I have been accused of obstructing the war. I admit it. Gentleman, I abhor war. I would oppose the war if I stood alone.' The statement was not necessary to warrant the jury in finding that one purpose of the speech, whether incidental or not does not matter, was to oppose not only war in general, but this war, and that the oppostion was so expressed that its natural and intended effect would be to obstruct recruiting. If that was intended and if, in all the circumstances, that would be its probable effect, it would not be protected by reason of its being part of a general program and expressions of a general and conscientious belief." (214, 215)

SCHENCK v. UNITED STATES
(249 U.S. 47 (1919))

THE CASE

Schenck and others were convicted of conspiring to obstruct recruiting and enlistment by mailing printed circulars to draftees urging them to evade the draft, a violation of the Espionage Act of 1917. Schenck claimed the protection for his speech of the First Amendment. The Supreme Court upheld the conviction against a First Amendment free speech challenge.

SUPREME COURT ON THE FIRST AMENDMENT (PER HOLMES, J.)

"We admit that in many places and in ordinary times the defendants in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. [citation] The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. [citation] *The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. it is a question of proximity and degree.*" (52) (emphasis added.)

Addenda

Kennedy v. *Mendoza-Martinez,* 372 U.S. 144, 160 (1963) (passport denial to citizen stripped of citizenship for draft evasion invalidated):

". . . [W]hile the Constitution protects against invasions of individual rights, it is not a suicide pact."

Broadrick v. *Oklahoma,* 413 U.S. 601, 611-12 (1973) (First Amendment challenge to ban on political activity by State employees):

"It has long been recognized that the First Amendment needs breathing space and that statutes attempting to restrict or burden the exercise of First Amendment rights must be narrowly drawn and represent a considered legislative judgment that

a particular mode of expression has to give way to other compelling needs of society."

CBS v. *DNC*, 412 U.S. 94, 102-3 (FCC Fairness Doctrine on access to media upheld against First Amendment challenge):

"Professor Chafee aptly observed: once we get away from the bare words of the [First] Amendment, we must construe it as part of a Constitution which creates a government for the purpose of performing several very important tasks. The [First] Amendment should be interpreted so as not to cripple the regular works of the government."

CARTER ADMINISTRATION POSITION ON "SPECIFIC INTENT" STANDARD

Mr. CHAFEE. Mr. President, there has been a lot of debate on the issue of the "specific intent" standard which the Judiciary Committee adopted by a very narrow margin as its language in subsection 601(c), and the "reason to believe" language that Senator JACKSON and I have incorporated in our amendment.

The reasons for these differences in language arise out of the debate we had on this issue 2 years ago. It seems to me this is extremely important, Mr. President, and I believe this gets to the heart of one of the problems we have here.

In January of 1980, over 2 years ago, Senator JACKSON and I joined Senators MOYNIHAN, NUNN, DANFORTH, DOMENICI, and others in introducing the Intelligence Reform Act of 1980 which was then S. 2216. This bill contained a section designed to protect agents' identities which depended on a "specific intent" standard. In other words, the bill we originally introduced had the "specific intent" standard which Senator BIDEN is defending from my amendment now.

In hearings before the Senate Intelligence Committee in June of 1980 a number of witnesses expressed concern with the "specific intent" standard.

For example, the Carter administration's principal witness at our hearings, Mr. Robert F. Keuch, Associate Deputy Attorney General—he was appointed by the prior administration—argued very strongly against the "specific intent" requirement, and this is what he had to say:

Section 501(b) specific intent requirement that an individual must have acted with intent to impair or impede the foreign intelligence activities of the United States, and that such intent cannot be inferred from the act of disclosure alone, is not a fully adequate way of narrowing the provision either in serving the First Amendment values or in facilitating effective prosecutions.

The specific intent requirement may itself have the effect of additionally chilling legitimate critique and debate on CIA policy because general criticism of the intelligence community could seem to corroborate an intent to impair or impede.

Now, Mr. Keuch is saying so far that the "specific intent" requirement, which is the language in the committee version that is on the floor here and which was the language we originally considered 2 years ago, could chill legitimate criticism of the CIA, because general criticism of the CIA could seem to then corroborate an intent to impair or impede the intelligence activities of the United States.

Mr. Keuch goes on in his statement:

A mainstream journalist, who occasionally writes stories based on public information concerning which foreign leaders are thought to have intelligence relationships with the U.S., may fear that such stories about foreign leaders and other stories by him critical of the CIA will be taken as evidence of an intent to impede foreign intelligence activities.

Speculation and debate concerning intelligence activity and actors would seemingly be more hazardous if one had taken a general position critical of the conduct of our covert foreign intelligence policy.

Mr. Keuch continues:

Taking the problem from the other direction, since any past or present criticism of the CIA might provide the something extra beyond the act of disclosure to prove specific intent, citizens soon may be unwilling to hazard a speculative discussion of covert intelligence policy for fear they will unwittingly name an intelligence source correctly.

The specific intent requirement also can hamper effective enforcement by creating a difficult jury question. Any person willing to gamble on the outcome of a prosecution can claim to a jury that his intent was to inform the American people of intelligence activities he believed to be improper or unnecessary rather than to disrupt successful intelligence gathering. The Government may often find it difficult to convince a jury beyond a reasonable doubt that there was intent to impede in the light of such a claim.

Mr. Keuch continues:

A related serious enforcement problem is that the serious intent enforcement problem could provide an opening for defendants to use the trial as a forum to demonstrate alleged abuses by the intelligence community or to press for disclosure of sensitive classified information on the ground that it was relevant to show their intent was to inform rather than to disrupt. The Justice Department is concerned that the specific intent element will facilitate graymail efforts to dissuade the Government from prosecuting defendants.

Mr. Keuch continues:

In my appearance last January I was asked by the House Intelligence Committee whether the Department believes section 501(b) of H.R. 5615 or S. 2216 would be held constitutional. Our sincere answer has to be that we do not know.

In other words, he was not sure that the "intent" standard would stand up to, withstand, the constitutional challenge. That is the end of Mr. Keuch's quote.

Now, Mr. President, just let me summarize what Mr. Keuch said to the Intelligence Committee nearly 2 years ago. He testified as follows: First, that the "specific intent" requirement may chill legitimate critique and debate on CIA policy.

Second, he said that the specific intent requirement could hamper effective prosecution by making a very difficult jury question.

Third, he said the specific intent requirement would facilitate "graymail" efforts.

Let me explain the word "graymail." "Graymail" is a threat that if you prosecute a defendant, the defendant will demand large quantities of CIA documents or information on activities be disclosed. He will require this as part of his defense. The so-called "graymail" technique occurs quite frequently when the Government tries to prosecute those guilty of handling documents to foreign nations. For example, the defense will say, "In order to prove our defense, we request the Government to reveal all intelligence documents they have on this subject." And the Government says, "We don't want to reveal those." Thus, the defendant will plead to a lesser sentence; either he will go free completely or he will get some minor punishment. That is what we call "graymail."

Mr. Keuch worries about the "graymail" threat if this specific intent language remains in the legislation.

Fourth, and finally, Mr. Keuch says that the Carter administration Justice Department does not know whether the specific intent requirement would be upheld as constitutional.

Other witnesses who appeared before our committee in 1980, such as Mr. Lloyd Abrams, who defended the New York Times in the Pentagon papers case, and Mr. Morton Halperin, of the ACLU, expressed similar concerns about the specific intent requirement.

On the basis of these expressed concerns, the Senate Intelligence Committee Staff and the Justice Department began working on an alternative standard of proof which would remove the problems of the specific intent standard. In other words, we wrestled with the specific intent difficulty that was brought up, and we saw the problems that were raised, as pointed out by Mr. Keuch. That was the language we originally had in the act, but we changed it because of the objections that were raised. We came up with the language which utilized this objective standard, this reason to believe language.

The Carter administration Justice Department endorsed this language. In a letter to Chairman Bayh—who was then chairman of the Senate Intelligence Committee—Deputy Attorney General Renfrew wrote as follows about the objective standard:

This formulation substantially alleviates the Constitutional and practical concerns expressed by the Justice Department with regard to earlier versions of this bill that included a requirement that prohibited disclosures be made with a specific "intent to impair or impede" U.S. intelligence activities.

Because of the significance of this matter, however, it has been our view from the beginning that such legislation as is enacted

must be fair, effective and enforceable. Our position has been and remains that the absence of an intent element in this legislation will accomplish this goal.

That is the end of the quote by Mr. Renfrew, Deputy Attorney General under the prior administration of President Carter, to Chairman Bayh.

Mr. President, the language of the amendment, the Chafee-Jackson language, for this subsection is the only language that has been endorsed by the Carter and the Reagan administration Justice Departments. The issues which this legislation involves have been heard in detail, and our wording of S. 391 has been carefully amended and refined to its current state.

If the Senate goes back to the specific intent standard, which the Judiciary Committee narrowly adopted, we will be going back to a standard which the Carter administration Justice Department declared inadequate over 2 years ago. This simply does not make sense.

THE HOSTILE "MOLE"

Mr. President, I would like to now address the issue of the so-called "mole" within the CIA, which the distinguished Senator from Delaware has dealt with in a hypothetical which he raised on this floor and during hearings on the Intelligence Identities Protection Act.

The Senator from Delaware said that the reason to believe language would prevent exposure of a hostile "mole" within the CIA. It seems to me preposterous to suggest that the Chafee-Jackson language would prevent a "mole" from being exposed. It seems to me that a journalist in the "mole" hypothetical would not be prosecuted under the terms of my amendment for the following reason:

First of all, it is not at all certain that "mole" identified would be a covert agent, as that term is precisely defined in the bill. The "mole" may be an overt CIA employee. As such, his identity would not be classified information under the definitions in subparagraph 606(4), and the United States would not be taking "affirmative measures to conceal such individual's classified intelligence relationship." Accordingly, no prosecution would be brought for such a disclosure.

There is no reason to assume in this case that the hypothetical journalist would have the requisite reason to believe that his disclosure would impair or impede the foreign intelligence activities of the United States. Disclosure of the identity of a real "mole" would not impair or impede but, rather, assist the foreign intelligence activities of the United States.

Finally, there is nothing in S. 391 that would prevent the journalist from publishing his story about the penetration without identifying the "mole." Section 602(d) expressly states that it is not an offense to transmit the identification to the Intelligence Committees, the one in the House and the one in the Senate. And, in fact, this would be an ideal route for the journalist to take since efforts that then might have been made to double the "mole" to the benefit of the United States.

This act encourages disclosure of information to the committees themselves. In a case where a journalist thinks he has spotted a "mole," notification of this fact to the congressional Intelligence Committees would be the best course of action. In any case involving a "mole", and individual thought to be a "mole" might, in fact, already have been doubled and working for the United States. In such circumstances, his exposure could, in fact, gravely impair U.S. intelligence activities.

NEGLIGENCE AND GREYMAIL ISSUES

Mr. President, the junior Senator from Indiana stated on January 25 of this year that, in his judgment, the Chafee-Jackson language was a negligence standard and it also creates what we call "greymail" problems. In other words, the junior Senator from Indiana was raising the "greymail" problem as it pertained to the language we had, the so-called reason to believe language. Now, let me discuss this a minute.

This is what the junior Senator from Indiana had to say:

First of all, intent is the appropriate element for a criminal statute. Reason to believe implies a negligence standard and this is not a negligence standard substitute.

Second, the objective "reason to believe" standard: "what would a reasonable man believe would be the results of his actions," raises serious prosecutorial questions. For example, it would force the Government to make public at the trial more classified information than it would want to and certainly more than it requires in a prosecution under the "intent" standard.

The junior Senator from Indiana, thus, is arguing that it is easier to prosecute under the intent standard, and that serious difficulties would be raised with the reason to believe.

Well, Mr. President, reason to believe is not a negligence standard. An examination of all of the elements of proof required in the Chafee-Jackson amendment makes it clear that reason to believe does not mean that a negligence disclosure of an identity would be a criminal offense. Why is this so? How can I say that a negligence disclosure of an identity would not be a criminal offense?

First of all, the individual making the disclosure must know that the information he discloses does, in fact, identify a covert agent.

That is the first thing. The person making the disclosure must also note that the United States is taking affirmative measures to conceal the agent's classified intelligence affiliation. Moreover, the disclosure must be in the course of a pattern of activities intended to identify and expose covert agents.

And finally, the person making the disclosure must have reason to believe his activities would impair and impede foreign intelligence activities in the United States.

All these elements must be proved. An individual making an unauthorized disclosure under these circumstances can hardly claim negligence. It is completely fallacious to argue that standing alone "reason to believe" is the same as negligence because "reason to believe" does not stand alone in subsection 601(c). It is preceded by five other elements, all of which must be proved beyond a reasonable doubt.

During the Senate Judiciary Committee's markup of the legislation that we are considering on October 6 of last year, Senator LEAHY raised this issue of negligence, and he directed his question to Mr. Richard Willard, the Attorney General's counsel for Intelligence Policy. Senator LEAHY directed the following question:

Can you tell us, is this or is this not a negligence standard?

The response by Mr. Willard who, as I mentioned, was the Justice Department's expert on intelligence law, was as follows:

If the reason to believe standard stood by itself and were the only element of this offense, I believe you are correct, that it would in many ways resemble negligence. However, as Senator Heflin pointed out, there are so many elements of proof in this section as it exists that there is no way someone could accidentally or negligently violate the law. It would be very difficult to prosecute. There are other elements, including one of specific intent intended to identify and expose covert agents which exist in Senator Chafee's bill. Therefore, while that one provision, taken in isolation, would be sort of a negligence standard, it is accompanied by five other elements which involve actual knowledge and specific intent.

The distinguished junior Senator from Indiana is speaking about "reason to believe" as if it were the only standard of proof in the bill. We must not allow our focus on the differences between "reason to believe" and "intent to impair or impede" to obscure the fact that we are talking about one of six elements of proof required by the amendment I have submitted and by the legislation that has passed the House. All of these elements must be proven beyond a reasonable doubt. Comparing the "reason to believe" standard to a negligence standard is meaningless, because the comparison ignores the five additional elements of proof which must be present before "reason to believe" is even considered.

Mr. President, the junior Senator from Indiana also suggested "reason to believe" would lead to greater pres-

sures to reveal classified information at the trial—in other words, the so-called greymail problem—and it would chill prosecutorial efforts.

That simply is not the case. In fact, it is just the opposite. The subjective intent standard would have those difficulties.

Under the intent to impair or impede standard a defendant could press for disclosure of sensitive classified information on the grounds that it was relevant to a showing that his intent was to expose alleged abuses rather than to impair or impede intelligence activities.

The "reason to believe" standard avoids this problem by focusing on overt acts rather than on some subjective state of mind.

The whole question of greymail was raised over 2 years ago when the Carter administration Justice Department testified before the Senate Intelligence Committee. At those hearings, Mr. Robert Keuch, Assistant Deputy Attorney General in the Carter administration, said:

A related serious enforcement problem is that the specific intent requirement could provide an opening to defendants to use the trial as a forum to demonstrate alleged abuses by the intelligence community, or to press for disclosure of sensitive, classified information on the ground it was relevant to showing their intent was to reform rather than to disrupt.

The Justice Department is concerned that the specific intent element will facilitate greymail efforts to dissuade the Federal Government from prosecuting offenders.

Mr. President, the Justice Department has a great deal of expertise on the subject of greymail. I would suggest that if the Justice Department supports the Chafee-Jackson language rather than the specific intent language because of greymail problems, we ought to listen to them. They are expert on these matters.

MISINFORMATION IN DEBATE

Mr. President, on March 1 of this year, the junior Senator from Vermont noted that a considerable amount of misinformation had entered into the debate on the Intelligence Identities Protection Act. Senator LEAHY declared that the amount of misinformation in the debate was so great that some kind of prize might be in order. I believe the Senator from Vermont was correct and the misinformation campaign continues. The prize which Senator LEAHY spoke about might well be awarded to the New York Times for its editorial of March 4, 1982, called The Spy Bill Wrapped in the Flag.

Mr. President, at this time I ask unanimous consent that a copy of this editorial from the New York Times of March 4, 1982, be printed in the RECORD. First, however, I would like to read excerpts from it.

The Times had this to say:

THE SPY BILL WRAPPED IN THE FLAG

The closer the Senate gets to voting on the "Intelligence Identities Protection Act," the clearer it becomes that this bill dangerously exceeds its announced purpose. It was prompted by former agents who break their oaths and expose American secret agents in risky intelligence work. But Congressional anger soon spread to individuals who never worked for the Government but engage in similar exposures using publicly available information. And that, in turn, has raised concern about the possible use of the act against news organizations.

If there was any doubt that the act extends that far, it has now been put to rest. Senator John Chafee, a chief sponsor, has clarified the bill's threat to conventional journalism—and public discussion generally.

Asked whether a prosecutor could use the bill against reporters and news organizations for exposing crimes and abuses by agents and informants, the Senator has this reply: "I'm not sure that The New York Times or The Washington Post has the right to expose names of agents any more than Mr. Wolf or Mr. Agee," two of the bill's main targets. "They'll just have to be careful about exposing the names of agents."

And then it goes on with severe criticism of Senator CHAFEE. The article continues:

Unfortunately, to cite a case in The Times's experience, being careful doesn't help decide how to deal with former spies like Edwin Wilson and Frank Terpil. The Times put together—carefully—stories about how the former agents trained terrorist abroad and engaged in suspicious weapons and technology deals. The stories raised questions about the former spies' connections to the Central Intelligence Agency, whether real or feigned.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 4, 1982]

THE SPY BILL WRAPPED IN THE FLAG

The closer the Senate gets to voting on the "Intelligence Identities Protection Act," the clearer it becomes that this bill dangerously exceeds its announced purpose. It was prompted by former agents who break their oaths and expose American secret agents in risky intelligence work. But Congressional anger soon spread to individuals who never worked for the Government but engage in similar exposures using publicly available information. And that, in turn, has raised concern about the possible use of the act against news organizations.

If there was any doubt that the act extends that far, it has now been put to rest. Senator John Chafee, a chief sponsor, has clarified the bill's threat to conventional journalism—and public discussion generally.

Asked whether a prosecutor could use the bill against reporters and news organizations for exposing crimes and abuses by agents and informants, the Senator had this reply: "I'm not sure that The New York Times or The Washington Post has the right to expose names of agents any more than Mr. Wolf or Mr. Agee," two of the bill's main targets. "They'll just have to be careful about exposing the names of agents."

Senator Chafee makes the bill's danger explicit without seeming to understand its cost to public discussion of security issues. Perhaps inadvertently, he makes the case for trimming back this inflated piece of legislation. No assurances that the law would be carefully administered can suffice when the warning to reporters is: be careful about getting the Government mad.

Unfortunately, to cite a case in The Times's experience, being careful doesn't help decide how to deal with former spies like Edwin Wilson and Frank Terpil. The Times put together—carefully—stories about how the former agents trained terrorists abroad and engaged in suspicious weapons and technology deals. The stories raised questions about the former spies' connections to the Central Intelligence Agency, whether real or feigned.

At a minimum, these foreign adventures challenged the country's ability to avoid embarrassment by once-trusted employees. The stories brought about other investigations, by Congress and the C.I.A. itself.

But it doesn't seem to matter how much care went into those stories. It doesn't matter how much they have been supported by official investigations. None of that would protect the paper against a wrathful prosecutor armed with the pending bill.

The Senate should restrict it to the punishment of people like Philip Agee, the former spy who first specialized in agent exposure. Congress cannot reach private citizens like Louis Wolf, publisher of the Covert Action Information Bulletin, without chilling other, more precious journalism and debate. In no case can the Senate responsibly follow the House's reckless example and make it a crime to identify an agent without even requiring proof of criminal intent.

Until now, the Reagan Administration has managed to wrap this bill in the flag. That conceals its danger to liberty—and to the public knowledge on which true national security rests. There is a difference between patriotism and chauvinism. Senators Biden, Bradley, Leahy, Specter and Quayle have been in the forefront of those who have exposed at least some of the bill's excesses. The entire Senate needs equal courage and wisdom.

Mr. CHAFEE. In other words, Mr. President, the New York Times editorial tries to tell us the recent series of articles done by the Times on the activities of former CIA officers, and they identify them in the editorial, Edward Wilson and Frank Terpil, could not have published if the identities bill had been law at that time.

Mr. President, in a previous discussion with the Senator from New Jersey (Mr. BRADLEY), I had occasion to discuss the definition of "covert agent" in this legislation. Senator BRADLEY cited a number of newspaper articles and asked whether or not the authors would have been liable to prosecution under the Chafee-Jackson amendment. In each case, I told Senator BRADLEY that the answer to his question was contained in the definition of "covert agent" which appears on page 7 of the committee bill—of the committee bill—as reported. This definition makes it absolutely clear that S. 391 defines the term, "covert agent," to mean only current CIA officers of employees whose identity as such officers or employees is classified and who are actually serving outside the United

States or have done so within the last 5 years.

The definition of "covert agent" goes on to include certain other individuals who are not citizens of the United States whose past or present intelligence relationship to the United States is classified. These are the people who are normally called agents in the intelligence community.

The definition of a covert agent also includes certain U.S. citizens residing or acting outside the United States and who are associated with foreign counterintelligence or foreign counterterrorism components of the FBI.

The point I wish to emphasize is simply that former CIA agents are not covered by the definition of "covert agent."

I might say, Mr. President, that applies to whether the intent language or the "reason to believe" standard is used. That has nothing to do with the Chafee amendment. I do not quite see why the Times editorial goes after Senator CHAFEE on this particular point, because both bills use the same definition.

Oddly enough, Mr. President, the Times editorial goes on to say that the Reagan administration has managed to wrap this bill in the flag.

> Until now, the Reagan Administration has managed to wrap this bill in the flag. That conceals its danger to liberty—and to the public knowledge on which true national security rests. There is a difference between patriotism and chauvinism. Senators Biden, Bradley, Leahy, Specter and Quayle have been in the forefront of those who have exposed at least some of the bill's excesses.

Oddly enough, Mr. President, each of those gentlemen is supportive of the legislation as it incorporates the language they are for, namely, the intent standard, yet the New York Times is critical of the whole bill. So it is odd that they are so generously praised, but I am glad that the Times saw fit to praise some of us here in the Senate.

It seems to me, Mr. President, that the debate over this bill, whether on the floor of this body or in the editorial pages of influential publications, should at least be based on what the bill says. Certainly, the New York Times should have someone on its staff who is capable of reading the bill and coming to the inescapable conclusion that neither the Judiciary Committee version of the bill nor the Chafee-Jackson amendment has anything to do with preventing the naming of former CIA officers who might be engaged in illegal or otherwise nefarious activities. The bill does not cover former CIA officers. It is disconcerting to listen to the recitation of articles which have been published in the past and which, it is alleged, could not have been published had the identities bill been law at the time.

We have dredged out these articles and, in every case, the allegation can be disposed of simply by referring to the definitions in the legislation. In almost every case, the name revealed in the article was that of a former CIA officer not covered by the definition or of a U.S. citizen residing in the United States who is also not covered by the definition of a covert agent.

Mr. President, the Senator from Delaware appears to understand and accept the fact that, in the language I have presented, an individual must engage in a pattern of activities intended to identify and expose covert agents.

Let me quote from Senator BIDEN's statement of March 1. Senator BIDEN was discussing the Chafee-Jackson amendment, and he stressed that it contains several key elements. As Senator BIDEN put it:

> First, a pattern of activities; second, with an intent to identify or expose; and, third, with a reason to believe that the activity would impair or impede the foreign intelligence activities of the United States.

Senator BIDEN went on to say:

> In the intent to identify or expose, the intent goes to the identification not the motivation.

Mr. President, that is absolutely correct. The intent element in the Chafee-Jackson language is a pattern of activities intended to identify and expose covert agents. Senator BIDEN has emphasized that it is theoretically possible to be prosecuted under the Chafee-Jackson language for exposing the name of a single covert agent, so long as an individual engaged in a pattern of activities prior to the disclosure.

The point that Senator BIDEN keeps missing, however, is the key point contained in my exchange with Senator DURENBERGER on March 3, 1982. In that exchange, Senator DURENBERGER and I discussed Senate Report 96-896, which is the only legislative history of the Chafee-Jackson language. This is the Intelligence Committee report on the identities bill that was pending in the 96th Congress. I urge my colleagues to read the colloquy between Senator DURENBERGER and me in order to understand that the intent requirement of the Chafee-Jackson language, the requirement that an individual engage in a pattern of activities intended to identify and expose covert agents, effectively limits the coverage of the identities bill to those engaged in the purposeful enterprise of revealing names; that is, to those in the business of naming names.

Mr. President, the matter before us is a critical one, and I urge my colleagues to treat with great care and more than a few grains of salt the arguments that have been raised against the Chafee-Jackson amendment. In many cases, as I have tried to show, misinformation and misconceptions have crept into the public debate on this issue. We should not be misled by this.

RICHARD S. WELCH MEMORIAL FUND

In conclusion, Mr. President, I should like to state that probably this legislation had its birth in the execution, or murder, that took place of Richard Welch, a CIA station chief in Athens, Greece, who was shot in front of his home as he returned from a Christmas party at the American Ambassador's home. He had attended a Christmas party in December 1975, at the Ambassador's home and, as Mr. Welch returned to his own home, his quarters in Athens, he was executed—murdered. That assassination occurred within a month of the time that he was publicly identified as the CIA station chief in the Athens Daily News. That information in the Athens Daily News came from Phillip Agee's Counterspy magazine.

I have special feeling for this murder, Mr. President, because Mr. Welch's family comes from my State of Rhode Island. Richard Welch grew up in Providence, where he was an honor student at Classical High School. He was a member of the track team. He went on to Harvard. He graduated in 1951 magna cum laude, with a degree in Greek and classical languages.

What a prize. What a man to have in our CIA. Welch's mother and wife were both from Rhode Island and a brother and sister of his still live there. His uncle was a probate judge in one of our towns and a former clerk in the family court.

Richard Welch was not somebody in a trenchcoat, wandering around, as many CIA officers are characterized incorrectly. He was, as many CIA officers are, a well-educated, able, and intelligent family man. He gave up what could have been an easy life at home for an important, though dangerous, series of assignments overseas for this Nation and for us. We sent him there.

We, the Members of Congress, have set up the CIA. We have supported it with funds. We encourage the recruitment of young American men and women to go into the CIA, and we recognize that they will be sent abroad on dangerous missions.

Richard Welch believed in the primary purpose and mission of the CIA, which is to collect foreign intelligence so that the U.S. policymakers can make informed judgments here at home. He died for those beliefs because a small clique of individuals make their living by naming names.

Last week, I was pleased to receive a letter from Harvard University stating that a Richard S. Welch Memorial Fund is being established at Harvard for the consideration of intelligence and its role in the formulation and implementation of U.S. policy. That fund will be jointly administered by the

John F. Kennedy School of Government and the Center for International Affairs at Harvard. The purpose of this endeavor is to enhance the national understanding and appreciation of the role of intelligence in our Nation.

Mr. President, I can think of no more timely opportunity for this memorial fund to be established. Nor can I think of any better way to honor this intelligent and patriotic U.S. citizen, than to pass the legislation which will effectively prevent the pernicious activity of "naming names." After all, that activity was responsible for Richard Welch's murder.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Harvard in connection with this memorial fund for Richard Welch.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RICHARD S. WELCH
MEMORIAL FUND,
HARVARD UNIVERSITY,
Cambridge, Mass., December 1981.

DEAR SENATOR CHAFEE, Dick Welch '51 died at the hand of an assassin in Athens on December 23, 1975. Since then, many of us have sought a way to remember that brightest and wittiest of spirits, that consummate professional, that warmest of friends, that special man.

Now we have the way. We are establishing the Richard S. Welch Memorial Fund at Harvard for the consideration of intelligence and its role in the formulation and implementation of U.S. policy. Through this endeavor to enhance the national understanding and appreciation of the intelligence function, we commemorate Dick in a combination of three of his great loves: his college, his profession, and his quest for understanding in the cause of the United States.

Harvard's Kennedy School of Government and Center for International Affairs will jointly oversee the use of the money from the Fund, under the direction of their respective chiefs, Graham Allison and Samuel Huntington, and three others.

The prime aim of the Memorial Fund will be to encourage teaching and talking about intelligence—with students, government officials, and others, at Harvard and across the country. The subject matter will be the rational and historical importance and contribution of intelligence in the making of informed foreign and national policy. We look forward to cooperation between those working at Harvard under the aegis of the Memorial Fund and those teaching and talking about intelligence elsewhere.

Dick Welch honored us by his life and death. Now we may honor him by perpetuating his memory in behalf of the causes he cherished. We ask you to join us—our immediate goal is $50,000. Please make checks payable to the Richard S. Welch Memorial Fund, and send them to Dean Bayley Mason at the Kennedy School, address above. All contributions are tax-deductible, and are credited to the current Harvard Campaign. We also ask you to send a copy of this letter with your personal note to others who knew and/or esteemed Dick and what he stood for. We shall keep you advised of the progress of the Fund and plans for its use. Thank you.

Sincerely,

JOHN A. BROSS.
CHRISTOPHER MAY.

(Mr. DURENBERGER assumed the chair.)

Mr. CHAFEE. Mr. President, some of my colleagues have mentioned the case of Richard Welch and the case of the Kinsman family. It will be recalled that the Kinsman family, on July 4, 1980, was stationed in Jamaica. His name was published. He was alleged to be a CIA officer. His license number, his street address, and the color of his car were published in one of these bulletins. His house was shot up and an explosion took place. A bomb was thrown on his lawn. Fortunately, no one was hurt. That was lucky. Bullets went through his house, through his young daughter's bedroom. Fortunately, she was not in the house at the time.

There are others whose careers were ruined because no longer can they carry out the missions for which they have been trained and for which this Nation needs them.

It is important to understand that this activity is not something that took place only in the case of Welch and Kinsman. It is taking place constantly, and it is important to understand that.

Two weeks ago, in Managua, Nicaragua, an American political officer was the subject of official harassment because he was identified as a CIA agent serving in the Embassy. This incident was described in a recent article by Roy Gutman in Newsday, a newspaper published on Long Island with which many of us are familiar. I ask unanimous consent that this excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsday, Mar. 12, 1982]

BAN ON NAMING AMERICAN SPIES NEARS SENATE OK

(By Roy Gutman)

WASHINGTON.—On the pretext of a traffic violation, Nicaraguan police halted the U.S. Embassy car on the side of a public highway in Managua. They seized the driver's license and car registration. State security men arrived an hour later. When the embassy officer refused to accompany them, police took the driver and car away, leaving the officer on the street.

The incident, as reported in a U.S. Embassy cable a little over two weeks ago, ended peacefully. The driver was interrogated for two hours, and the car taken apart and searched. By contrast, between Nov. 6 and Dec. 16, three women employees at the embassy were assaulted, bound and gaged by armed men who overpowered guards and broke into their homes in Managua.

What all four had in common is that they were listed as CIA agents in a progovernment Managua newspaper on Nov. 6. A few weeks before the publication, Philip Agee visited Managua and charged at a press conference that at least 10 CIA agents were "hiding" in the embassy's political section.

The former CIA agent, who has been deprived of his passport and is now reported to be living in Greece, did not list the names but said they "are probably in the hands of state security already." The embassy refused to say whether or not the people named were, in fact, agents.

Successive administration and CIA directors have pleaded for laws to punish Agee and the handful of other former agents or private citizens connected with the Covert Action Information Bulletin who have made names for themselves by naming others.

Now the Senate is on the verge of approving the "Names of Agents" bill. Support is overwhelming (the House voted 354-46 for it in September), and there is no question it will pass. The debate is over the spillover effect on investigative journalism in this country.

The bill before the Senate would set penalties of up to $50,000 in fines and 10 years' imprisonment for disclosure of names of CIA agents by a former government employee and up to $15,000 and 3 years in prison for disclosure by a private citizen.

While "getting the bad guys," as Sen. Joseph Biden (D-Del.) put it in a Senate debate last week, has wide support in Congress, in the civil liberties community and among many constitutional lawyers, editors and publishers, the bill is viewed as an attempt to use a sledge-hammer to smash a gnat.

The American Civil Liberties Union has called the bill unconstitutional and a threat to the First Amendment guarantee of freedom of speech. But as the bill seems likely to pass, the ACLU has backed efforts by Biden and a majority of the Senate Judiciary Committee to insert more restrictive language in it.

At the heart of the Senate debate so far is whether the bill would discourage reporting such as the New York Times series last year that revealed that ex-CIA agents Frank Terpil and Edwin Wilson had trained terrorists on behalf of Libyan leader Moammar Khadafy.

The Times editorialized recently that no matter how much those reports served the U.S. public interest, "a wrathful prosecutor armed with the pending bill" could attack the newspaper for publishing them.

Of such concerns, the bill's chief sponsor, Sen. John Chafee (R-R.I.) said: "That is absolute nonsense. The people who say this have not read the legislation. Wilson and Terpil were former agents, and disclosure of their names would not be penalized under this bill."

The rebuttal that Terpil and Wilson still claim to be CIA informants and might be considered current agents, thereby triggering the law, has not yet been addressed in the Senate debate. But staff aides to the Senate Intelligence Committee said the CIA had flatly denied that the two men were still connected with the agency in any way.

Biden wants the law to require proof that the revelation of an agent's name was intended to harm foreign intelligence-gathering. The Chafee version, backed by the White House, would require only the judgment that damage was done. Each claims that his version is the more protective of legitimate journalistic enterprise.

Senate Intelligence Committee staff chief Rob Simmons said he though Chafee had the votes at the moment. The Biden move, if successful, might cripple the bill's chances by forcing a conference with the House,

which already adopted language similar to Chafee's. "If we have a conference on this issue, we may not have a bill this session," he said.

Mr. CHAFEE. Mr. President, it is my understanding that there will be no votes today. It is our hope that we can get a vote on this matter tomorrow.

I hope that before we do vote, Members will take the occasion to read and study the record of this matter. I have discussed this with the principal manager on the other side, the Senator from Delaware (Mr. BIDEN). It is our hope, too, that we can have perhaps an hour and a half, evenly divided, before we vote on the amendment, then vote on the amendment, and then vote on the bill.

I urge my colleagues to support the amendment and the bill. If we do so we are confident that we will have legislation in this matter.

If the amendment is defeated and the bill is passed, it will be quite different from the measure that has passed the House.

Mr. LONG. Mr. President, will the Senator yield?

Mr. CHAFEE. I yield.

Mr. LONG. I should like the Senator to help me focus my view on the issue that will be in dispute on the bill. It is my understanding that the Senator's view is that it should be against the law for an American to needlessly identify one of the agents of the CIA, particularly an agent who tends to try to gather information on a covert basis for the United States.

Do I correctly understand that one of the most controversial features is the question of whether the person who identifies the CIA agent should do so with the intent to adversely affect the security of the United States, or whether it should be adequate that to identify the agent should become a crime against the laws of the United States, without requiring the showing of an intent?

Mr. CHAFEE. I am not trying to draw out my answer, but the answer to the first question is this: The committee bill has language which states:

Whoever, in the course of an effort to identify agents, with the intent to impair or impede the foreign intelligence—

The language of the amendment I have presented says:

Whoever, in the course of a pattern of activities intended to identify an agent—

So there is an intent standard at that point. I continue:

and with reason to believe that these activities would impair the intelligence activities of the United States.

So the whole difference does not hang on the reason to believe versus the intent. I believe it would be an inadequate explanation of the difference to say that the difference is solely that.

Mr. LONG. Then, the Senator suggests that the law would place a burden on this Government to prove that there was an intent on behalf of the perpetrator to adversely affect the security of the United States.

Mr. CHAFEE. Under the committee language.

Mr. LONG. But I want to know what the Senator's position is, what he is advocating in this regard.

Mr. CHAFEE. What I am advocating is that the existing language in the committee bill; namely, "Whoever, in the course of identifying an agent, with an intent to impair or impede the United States" is chilling to the newsman who publishes a series of articles critical of the CIA, or of U.S. intelligence activities. He has built up a background which would be indicative of his intent to impair or impede, when it would not really be germane to what he has done.

In other words, when you go into somebody's intent in a matter such as this, it is harmful to the person, and it is difficult for the prosecution as well.

It is difficult for the prosecution, because the defendant says:

True, I disclosed the names of these agents. Admittedly, I publish the "Covert Action Information Bulletin." I revealed Mr. Welch's name. But my intent was not to impair or impede the intelligence activities of the United States. My intent was to improve them, because these people are spoiling the reputation of the United States by what they are doing in Nicaragua or Athens, Greece, or wherever it is. They are impairing the United States. Thank goodness for me, the publisher of these documents, because I am helping our Nation.

Not only is that a defense that could be undertaken, but, indeed, it is what they are presently saying. That is one side of it. That is looking at it from the standpoint of the Government's perspective.

Look at it from the other side, from the side of a newsman who discloses the name of an agent inadvertently. But who has been extremely liberal, let us say. He thinks that everything the United States has done is wrong and that the CIA has misbehaved. He has published a long series of articles on that. He also has pointed out that the Justice Department is crooked. They are for sale. They are bad actors. He is critical, critical, critical. Then, inadvertently, he discloses the name of an agent.

He is prosecuted, and the prosecution says his intent is clear, and they bring in all these articles from the past to show his intent.

In my judgment that is chilling on writers and journalists. The reason to believe language is an objective standard. We ask whether a person would have reason to believe that the disclosure impedes the United States, rather than try to get within the breast of the defendant and ask what was his intent?

Mr. LONG. I think the Senator has a good point. It seems to me that it would provide very little protection for our agents if all one had to do was to indicate that he has no sympathy whatever for the CIA, he does not think there should be a Central Intelligence Agency; he thinks it has done a horrible job and should be abolished.

Therefore, one could well argue, and I would think with logic, feeling that way, that it should be abolished, it should not operate at all. There should be no CIA; that under those circumstances if he publishes the names of every agent of whom he had any knowledge and even if he had once been in the CIA and knew a lot of agents he could take the view he was not seeking to undermine the security of the United States; what he was doing, according to him, would be to further protect the security of the United States because he does not think we should fight a war with anyone and that the CIA was likely to create a war rather than prevent one.

So if one wanted to take that point of view, he could very well take the view that he is not guilty of crime at all; he is simply doing what he thinks is right and his intention is not to violate the security of the United States, his intent is prevent the United States from fighting anybody or even defending itself against anybody.

I can see how that if one is going to use the so-called subjective test, what did that person have in mind, then if that person, misguided though he may be, thought that he was doing something that was in the ultimate best interest of the United States he would not be guilty of a crime.

I think that the test the Senator is suggesting makes better sense. If that person would have reason to believe or a reasonable person would have cause to believe that to identify these agents would adversely affect the security interests of the United States he would be guilty of a crime, and to me it makes better sense.

Do not most of our criminal statutes work on the basis of what a person would reasonably expect under circumstances rather than what that particular person actually thought?

Mr. CHAFEE. I put in the RECORD a series of statutes.

The argument given by many of the former prosecutors around here is that you always have to prove intent. You have to have intent to prove murder or what it might be, and that this reason-to-believe standard is a new one that we have pulled up just to get easier prosecutions. This is not the situation at all.

We have put a series of acts on our books now in 18 U.S.C. dealing with this very standard that the Senator so eloquently spoke to.

It is not a new standard and, furthermore, it is not just this element alone that one has to prove: That he

would have reason to believe that he would impair intelligence activities of the United States. There are six other standards of proof. There has to be, of course, a pattern of activities. You have to prove a pattern of activities in which the person intended to identify and expose covert agents. So there is that intent in our language.

Mr. LONG. I find myself wondering whether the language that the Senator would suggest is actually strong enough. I mean that would cause this Senator to wonder. Actually what we really want is to prevent those who have the knowledge of our agents to avoid needlessly identifying those agents to our enemies. That is what we have in mind.

Mr. CHAFEE. That is it.

Mr. LONG. I would hope that we would have an effective statute by the time we are through. I find myself agreeing with the Senator. If you are going to make it depend upon the intent of the person who is revealing the identity that person might be in good faith in his mind in seeking to identify them all, that he does not think there should be a CIA anyway, and if that were the case, I would think one would feel that he was not guilty of intending to injure the security of the United States.

Mr. CHAFEE. Just on this point I quote now on the very point the Senator is making. This is the testimony before the House Committee on Intelligence, on the last day of January last year, January 1981, and this is one of the publishers of the "Covert Action Information Bulletin" which specializes in naming names. Listen to the rationale of Mr. Schaap, the publisher.

> Our publication . . . is devoted to exposing what we view as the abuses of the Western intelligence agency, primarily though not exclusively the CIA, and to expose the people responsible for those abuses.
>
> We believe the best thing for the security and well-being of the United States would be to limit severely, if not abolish, the CIA.
>
> Our intent both in exposing the abuses of intelligence agencies and in exposing the people responsible for those abuses is to increase the moral force of this Nation, not to lessen it. That the CIA would assume our intent is simply to impair or impede their foreign intelligence also seems likely. Patriotism is to some extent in the eyes of the beholder.

In their eyes they are patriots. They are doing a tremendous service.

And that is exactly the point the Senator was making.

Mr. LONG. I thank the Senator.

Mr. CHAFEE. I thank the Senator.

Mr. KENNEDY. Mr. President, I support S. 391, the Agents Identities Protection Act. We should not adopt the substitute language offered by the Senator from Rhode Island (Mr. CHAFEE).

At the crux of this debate is the intent issue in section 601(c) of the act. That is the basic difference between the bill reported by the Judiciary Committee, and the language of the Chafee amendment.

The difference is a narrow but very important one. Both versions of the bill are expressly designed to permit prosecution of a group of persons, such as Philip Agee, who have made a clearly determined effort to disclose the identity of intelligence agents and officers for the sake of their exposure.

At the same time, advocates of both versions seek to reach that small group without encroaching upon the first amendment rights of those who seek informed public debate on foreign affairs.

Many scholars, as well as the journalistic community have raised serious questions about whether it is constitutional to make criminal any publication based wholely on unclassified sources. After careful study of that issue I have concluded that in carefully limited circumstances a criminal penalty is appropriate and constitutional. But the fact that we are treading near the line of the first amendment in that regard, should make us all the more careful in writing the standard for the defendant's state of mind required for prosecution.

Let us be clear on the narrow issue before us. No Senator approves of intentional efforts to endanger our convert intelligence officers or to end their usefulness. The question is how to punish such attempts without rendering our legislation unconstitutional and without unnecessarily chilling a vigorous free press.

But if we overreach in regard to this legislation it will work against the objective of the legislation which we all share.

Last year the Judiciary Committee agreed to my amendment to make this bill constitutional. In a subsequent effort to obtain agreement on the bill, I proposed an alternative modification to insure constitutionality. That proposal became the bill approved by the House Intelligence Committee and recently by the Senate Judiciary Committee. We can pass that bill today. We could have passed it last year. Those of us concerned about the outrageous public disclosure of intelligence agents identities simply for the sake of their exposure would like to see legislation passed as soon as possible, which will be upheld in the courts and put those reprehensible efforts out of business.

The Judiciary Committee bill requires proof of intent to harm. As the many hearing witnesses noted, such an intent requirement is quite common in our criminal statutes. Senator CHAFEE seeks to replace that intent requirement with a so-called objective "reason to believe" test. Under that test, a violation could be found regardless of the defendant's intent.

The CIA and the Justice Department have indicated on the record that while they have a preference, they can live with either version.

The CIA has cited the recent Supreme Court decision in Haig against Agee that upheld revocation of Agee's passport. In his July 15 letter to Senators, Director Casey wrote that:

> The Court's opinion should dispel any residual concerns about the constitutionality of the identities legislation.

In fact, Mr. President, the opinion does precisely the opposite. That case indicates that without the specific intent standard in the committee bill, the legislation would raise first amendment question. Chief Justice Burger, writing for the Court, noted that the passport revocation "rests in part on the content of Agee's speech specifically his repeated disclosures of intelligence operations and the names of intelligence personnel." Justice Burger dismissed the first amendment problems because of Agee's expressed intent to harm intelligence activities.

> Agee's disclosures, among other things, have *the declared purpose* of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution. (Haig v. Agee (Slip opinion, p. 27) (1981) (emphasis added).)

Some officials have argued that prosecution would be easier under a "reason to believe" standard. In my view, a more thoughtful analysis suggests that it could be more difficult for the Government to prosecute under that standard.

Under a "reason to believe" test, defendants could create an insurmountable "greymail problem" by threatening to expose other sensitive information at the trial. For example, defensants could question the anonymity of the agent who was exposed. Defendants also could seek discovery of counterintelligence information about the effectiveness of cover arrangements and whether hostile intelligence services or terrorists had in fact already identified the agent. In many cases this could present an insuperable greymail problem for the Department of Justice, despite the greymail statutes passed in the last Congress, because the matters on which discovery might be sought would be relevant to the defense under an objective reason to believe standard. The greymail statute allows the court to bar discovery only on issues which are not directly relevant to the elements of the offense. Under the reason to believe test defendants might even be able to ask for the names of other agents whose identities had been exposed and the damage assessments of such exposures. That information would be relevant to determine whether there was reason to believe that the disclosure of the particular identity involved would significantly damage the intelligence efforts of our Government.

Under the subjective-intent standard, such greymail discovery would be of slight relevance and much easier to limit. These prosecutorial difficulties of a reason to believe standard underline the disturbing possibility that it would not deter or punish those at whom it is aimed, and that it would merely chill legitimate journalistic analysis of U.S. policy and activities abroad.

Last-minute floor statements in the context of conflicting elements of legislative history in both bodies may not be sufficient to protect even specific categories of activities which everyone wants to exempt. In addition, those few examples cannot possibly anticipate and exhaust the variety of circumstances in which legitimate activity could be deterred by this criminal statute with severe penalties.

A broad spectrum of constitutional scholars, civil libertarians, and leaders of the news media have expressed deep concern about the substitute language proposed by Senator CHAFEE.

The requirement of "intent to impede or impair" the intelligence activities of the United States is a reasonable and necessary limitation to protect the first amendment activities of journalist, scholars, and others whose purpose is reporting, analysis, and criticism of controversial or questionable actions by the Government.

The Chafee amendment language would reach beyond the Philip Agee's in our midst. It would put university presidents concerned about covert intelligence agents among their faculty, or journalists reporting on the activity of rogue intelligence employees on behalf of foreign terrorist regimes, in danger of intimidation by Government investigators, if not actual prosecution.

The reason to believe standard simply is not adequate protection for legitimate first amendment activities. Correspondents may have some reason to believe that the results of their investigative reporting could have some temporary impact on secret intelligence activities. In fact, the Justice Department witness told the Senate Judiciary Committee that in the Department's view the Chafee amendment would subject newsmen to criminal prosecution even for mere negligence. This would create a very chilling effect on a free press and be as dangerous to our society as the evil at which the bill is properly aimed.

Hope my colleagues will support the effective and constitutional provisions of the committee bill.

● Mr. ROTH. Mr. President, I intend to vote against the amendment offered by the distinguished Senator from Rhode Island (Mr. CHAFEE) to S. 391, the Intelligence Identities Protection Act. Although I was a cosponsor of Senator CHAFEE's original legislation, I believe the modifications made in the Judiciary Committee, at the instigation of my able colleague from Delaware, Senator BIDEN, preserve the basic purposes of the bill while eliminating any chilling effect that the threat of prosecution could have on legitimate news reporters and organizations.

As a member of the Intelligence Committee, I am determined, as I am sure every Member of the Senate is determined, to take strong steps to protect the identities of our Nation's intelligence agents. The deliberate disclosure of names of our agents, some of whom are stationed in areas where violent forces inimical to U.S. interests operate virtually unchecked, is a serious threat to our national security, not to mention to the lives and safety of the agents themselves and their families. The systematic disclosure of agents' names and assignments under the guise of investigative journalism is a reprehensible practice that must be halted by providing for the criminal prosecution of those individuals who deliberately endanger the lives of agents with the intent of sabotaging U.S. intelligence activities.

As urgent as this need is, however, we must take care that our response to it not impinge on the constitutional rights and freedoms of legitimate news organizations and reporters. I believe that Congress should always tread carefully when legislating in areas that touch on our basic constitutional rights, and that any potential intrusion on such fundamental tenents of our democracy as freedom of the press must be minimized. Our way of life and our system of government have survived and prospered for all these years largely because a free, unfettered and aggressive press has functioned to insure an informed citizenry. I would not want to see this Congress take action that might blunt the vital watchdog role of the press in seeking out and exposing wrongdoing by Government officials or agencies, unless such action was absolutely necessary to protect our national security or the lives and safety or our citizens.

Those who oppose the Chafee amendment, including representatives of virtually every major news organization in this country, argue that the "reason to believe" language of the Chafee amendment would place reporters and broadcasters at risk of criminal prosecution for reporting information that could lead to the identification of intelligence agents—even if such information had already been made public, and even if the intent of the reporter or broadcaster was to further the public interest. For example, they argue that the recent disclosure of questionable activities by former CIA agents by a number of newspapers, including my own hometown paper, the Wilmington News-Journal, could subject those responsible for the articles to criminal prosecution because they had "reason to believe" such disclosures would impair U.S. foreign intelligence activities.

After a careful review of these arguments, as well as those offered by supporters of the Chafee amendment, I have concluded that the reason-to-believe standard is unnecessarily broad, and that it could tend to deter legitimate news organizations from pursuing and reporting information the disclosure of which would be in the public interest. The intent standard in the bill reported by the Judiciary Committee appears to be sufficient to halt the systematic and deliberate publication of the names and assignments of U.S. intelligence agents. In fact, the staff of the Covert Action Information Bulletin, a publication specializing in publishing the names of intelligence agents with the clear intent of disrupting U.S. intelligence activities, announced in the October 1981 issue of the Bulletin that the "imminent passage" of S. 391 had forced them to discontinue their despicable practice of "naming names" of intelligence agents "until such time as the constitutionality of the act has been decided by the courts." Thus, with respect to this particular publication at least, this legislation appears to have had its desired effect even before it becomes law.

Mr. President, the question of constitutionality raised by the editors of the Covert Action Information Bulletin is also of concern to me, but for an entirely different reason. I believe it is vitally important that this legislation clearly stand the test of constitutionality at the time it becomes law, so there will be no question of swift prosecution and punishment for those individuals who deliberately disclose the identities of intelligence agents. If the bill's constitutionality is suspect, some hardcore purveyors of agents' identities may be willing to continue their pernicious activities in the belief that the law will eventually be overturned by the courts. I believe this risk is a serious one. No less a constitutional authority than Prof. Philip Kurland, professor of law at the University of Chicago, has said of the reason-to-believe standard:

> I have little doubt that it is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published can be valid * * * I should be very much surprised if * * * the * * * courts were to legitimize what is, for me, the clearest violation of the First Amendment attempted by Congress in this era.

Rather than approving legislation of questionable constitutionality, and absent any convincing showing that those responsible for such publications as the Covert Action Information Bulletin would be able to avoid conviction

under the "intent" standard of the Judiciary Committee bill, I believe the wisest course for the Senate to follow at this juncture is to pass the bill with the "intent" standard intact, thus minimizing any possible intrusion into first amendment rights, and then observe its effect on those who would damage our national security by systematically disclosing the names of our intelligence agents. If this practice continues, and if it subsequently becomes clear that juries are unwilling to convict those who violate the law, the Congress could then reconsider and strengthen the law to insure the certain prosecution and conviction of those whom the law is intended to reach. Thus, in opposing the Chafee amendment at this time, I would reserve the right to support a broader standard for prosecution at some time in the future if such a standard proves necessary to protect the identities of our agents and the vital activities of our intelligence community.

Mr. President, I ask that an editorial from the Wilmington Morning News entitled, "Spies Must Spy but Freedom Must Be Preserved," be printed in the RECORD.

The editorial follows:

[From the Wilmington (Del.) Morning News, Oct. 27, 1981]

SPIES MUST SPY BUT FREEDOM MUST BE PRESERVED

Uneasiness has always surrounded government efforts to secure information clandestinely. Spying may be a necessary component of national security. The principles of freedom and self-determination that permeate our society, however, demand that such government operations be constantly and vigilantly supervised.

We are used to assurances that the Central Intelligence Agency does not go beyond the bounds of acceptable morality—albeit such bounds are stretched to the breaking point in the circles of international intrigue. We are also aware that such assurances have been, far too frequently, little more than lies.

Tomorrow the Senate is expected to vote on a bill that could make it all but impossible for American citizens to be informed about abuses in covert activities being carried out, presumably, on their behalf.

The bill, S. 391, called "The Names of Agents Bill" is aimed at protecting U.S. secret agents. There is no quarrel with the intent. As distasteful as some secret activities might be, only fools believe that the United States can deal effectively in these times without some form of covert international intelligence operations.

Those who disclose the names of secret agents with the expressed intent of jeopardizing the agents' positions should be held accountable for such behavior. There have been recent, well-publicized examples of such reprehensible actions. Such disclosures put the agents' lives and the lives of their families and friends in danger. And such disclosures could severely damage the security of the United States.

Insofar as S. 391 and the similar House version, H.R. 4, address the protection of agents and the safeguarding of national security, they are supportable. But the House bill, in one provision, extends the government's right of self-protection into a constitutionally unacceptable area. The Senate bill, thanks largely to the efforts of Delaware's Sen. Joseph R. Biden Jr., does not. But when the bill is debated tomorrow, efforts will be made on the Senate floor to make the House version official policy.

The House version would subject to criminal penalties those who disclose identities "in the course of a pattern of activities intended to identify and expose covert agents and with *reason to believe* that such activities would impair or impede the foreign intelligence activities of the United States."

The Senate version, with the Biden amendment, would apply only to those who disclose identities "in the course of an effort to identify and expose covert agents with the *intent* to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure."

At stake are the constitutional guarantees of freedom of speech and freedom of the press: The Senate version would, rightly, punish people like Phillip Agee whose disclosure of agents' names put their lives and national security in danger. The House version would not only short-circuit Mr. Agee's kind of behavior but also gag responsible disclosure of intelligence abuses. It would punish even those who secured their information through documents open to the public scrutiny.

Under the House version, the News-Journal and other papers which disclosed the highly suspect activities of former American spy Edmund Wilson would be in jeopardy. Mr. Wilson's current CIA links and his dealings with international terrorists, possibly damaging to the United States, are precisely the kind of information the public has a right to know.

The Senate version would protect legitimate journalistic endeavor and, by extension, protect the right of Americans to gain knowledge of and thereby judge the activities of covert intelligence abuses.

There was considerable testimony in Congress that the House version is unconstitutional. Philip Kurland, the conservative constitutional scholar from the University of Chicago, described the "reason-to-believe" version as "the clearest violation of the First Amendment attempt by Congress in this era." If the House version passes, it likely will be overturned in court. But, in the interim the law would have a chilling effect on legitimate journalistic pursuit.

Those who seek the broad prohibitions on disclosure use an old tactic. "If you don't buy the whole package, they say "then you must be one of those who are trying to tear down the country." It doesn't wash.

Secret agents must be protected. But there have been abuses of power in covert intelligence operations. When covert agents act outside the circle of morality defined for them they damage national security. They cannot operate unbound.●

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOME PRESIDENT SIAD BARRE, DEMOCRATIC REPUBLIC OF SOMALIA

Mr. HAYAKAWA. Mr. President, on March 10 Maj. Gen. Siad Barre, President of the Democratic Republic of Somalia, began his official visit to the United States.

On this occasion, I would like to welcome President Barre to our country and express to him the good will and sympathy which the U.S. Senate has for Somalia. We wish to work with him for better and more cordial relations in the future. Both the United States and Somalia desire to limit Soviet and Cuban influence in Africa and insure the continued development and security of Somalia.

The United States has made substantial contributions to Somalia, both directly and through the United Nations High Commissioner for Refugees. The purpose of these contributions is to help alleviate the suffering of the innocent victims of the Ogaden war, develop Somalia's economy and supply needed arms to the Somalian army. We realize these efforts have not solved the underlying problems of refugee influx and inadequate arms, but in the next fiscal year we will extend increased economic aid and FMS, foreign military sales, to help to develop the country and provide for its defense needs. In turn, the Somali Government extends to the United States use of air facilities at Mogadishiu and Berbera and naval facilities at the port of Berbera. We are fortunate to have friends like Somalia in the strategic Horn region, which is threatened by Soviet adventurism.

RESOLUTION TO REQUIRE ABSCAM/FBI INVESTIGATION BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, the rules of the Senate and precedent establish that the Committee on the Judiciary has oversight responsibility for the operations of the Department of Justice and the Federal Bureau of Investigation. With respect to the FBI, that responsibility has been delegated by the committee to its Subcommittee on Security and Terrorism.

Accordingly, under ordinary circumstances, a proposed investigation of the activities of the FBI would be properly conducted only in the Committee on the Judiciary. However, in the case of the proposed investigation of FBI and Department of Justice activities in the Harrison Williams matter, in my judgment, the Committee on Rules and Administration is the proper forum because of the direct involvement of a former member of the Senate and because of the issues which will necessarily arise due to that connection.

So long as the proposed investigation remains narrowly focused in the manner prescribed in the Senate resolution now under consideration in the Committee on Rules and Administration, as chairman of the Committee on the Judiciary, I would have no objection to the Committee on Rules and Administration acting on behalf of the Senate as that resolution specifies.

THE NATIONAL CEMETERY IN FLORENCE, S.C.

Mr. THURMOND. Mr. President, I recently received a concurrent resolution of the South Carolina Legislature memorializing Congress to promptly take such measures as are necessary to purchase land presently available for acquisition for the purpose of expanding the Florence, S.C., National Cemetery.

Mr. President, the Veterans' Administration has projected that the Florence National Cemetery will reach its capacity by the middle of this year. If it is not expanded, only one national cemetery, in Beaufort, S.C., will remain available to the 336,000 veterans of our State. No longer will the families and survivors of these veterans be assured that their loved ones will be interred locally, rather than at some distant cemetery.

I, therefore, urge the Veterans' Administration to explore all available methods for expanding the Florence National Cemetery. I would also like to restate my willingness to assist in this effort in any way that I can.

Mr. President, in behalf of my distinguished colleague, Mr. HOLLINGS, and myself, I ask unanimous consent that the concurrent resolution of the legislature of South Carolina be included in the RECORD at the conclusion of these remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, the National Cemetery in Florence County, South Carolina, provides gravesites for veterans and serves the commendable purpose of permitting the interment of veterans in a special local place of honor; and

Whereas, ninety-five veterans were buried in the National Cemetery last year, leaving only fifty-one gravesites available for subsequent interments; and

Whereas, it is necessary and desirable that additional gravesites in adequate numbers be made available for deceased veterans of South Carolina so that the families and survivors of such veterans are assured that their loved ones will be interred locally rather than at some distant cemetery: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States is memorialized to promptly take such measures as may be necessary to purchase land presently available for acquisition and contiguous to the National Cemetery in Florence County, South Carolina, to provide for the expansion of the cemetery by providing additional gravesites for veterans. Be it further

Resolved That copies of this resolution be forwarded to the President of the Senate, the Speaker of the House of Representatives and each member of the South Carolina Congressional Delegation in Washington, D.C.

REGULATORY REFORM ARTICLE BY SENATOR LAXALT

Mr. THURMOND. Mr. President, I would like to call the attention of my colleagues to an article which appeared this morning in the Washington Post. The article, entitled "Don't Be Scared Off Regulatory Reform," was written by Senator LAXALT, who chairs the Regulatory Reform Subcommittee of the Judiciary Committee. As I am sure most of my colleagues are aware, Senator LAXALT is the primary sponsor of S. 1080, the Regulatory Reform Act, which will shortly be coming before the full Senate.

In his article, Senator LAXALT describes in general the provisions of S. 1080, discusses in greater detail the oversight provisions of the bill, and responds to the criticisms and concerns expressed by Senator GLENN in his February 25 Washington Post article regarding executive oversight of independent agencies. In light of the importance of issues raised by this legislation and of the fact of imminent floor consideration, I commend Senator LAXALT's very helpful and informative discussion of S. 1080 to my colleagues. I therefore ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 15, 1982]

DON'T BE SCARED OFF REGULATORY REFORM

(By PAUL LAXALT)

Judging by opinion polls, the American people are presenting Congress with a unique challenge in "regulatory reform": we must curb regulatory excesses while maintaining our commitment to important national goals—worker safety, clean air and water and the like. The Regulatory Reform Act, sponsored by Sens. Patrick Leahy, William Roth, Thomas Eagleton, myself and 77 other senators, and soon to be considered by the Senate, responsibly meets this challenge. Enactment of this kind of legislation is long overdue.

Unfortunately, some would unnecessarily shield an important part of the activities of so-called "independent" agencies from effective public accountability. The views of these advocates are wrong based on long-standing rules of law; they are wrong based on the provisions of the Regulatory Reform Act; and they are wrong based on the balanced policies our constituents expect us to put in place.

This bill is designed to update our administrative procedures to meet the regulatory challenges of today, to improve the effectiveness of federal regulation, to decrease its unnecessary burdens and to increase the accountability of federal agencies. How to ensure that federal agencies comply with the law and execute their missions fairly remains one of the central challenges of administrative law. To achieve agency accountability, the Regulatory Reform Act contains a carefully crafted balance of limited judicial and presidential oversight, a balance that preserves the rule-making authority given to all agencies. Amendments to weaken or upset this balance are simply unacceptable.

The heart of this act is the requirement for the regulatory analysis of major rules, a process by which agencies must publicly evaluate the tradeoffs of their regulatory proposals to improve their effectiveness and reduce their costs. Yet because detailed judicial review of such a technically complex process is generally considered to lead to unnecessary delay and judicial second-guessing of substantive agency expertise, the act precludes regulatory analysis from being an independent subject of judicial review.

To ensure some oversight of such a central element of regulatory reform, the act authorizes the president to establish procedures for regulatory analysis. Contrary to suggestions that such a proposal is unprecedented, the regulatory reform bills reported both by the Senate Governmental Affairs Committee and by the House Judiciary Committee during the 96th Congress contained broad provisions for OMB review of regulations without any distinction between "executive" and "independent" agencies. The real novelty of the Regulatory Reform Act is that its executive oversight is much more carefully circumscribed than the proposals of the last Congress.

The president may establish procedures for regulatory analysis only after publishing them and receiving public comment. If the president delegates this authority to an official other than the vice president, that official must be confirmed by the Senate. Most importantly, the act explicitly ensures that the decision-making authority of all agencies is not altered.

Both existing law and the Regulatory Reform Act prevent the president from using this authority to "blackmail" an agency. The act itself prohibits the president from using the authority merely to delay regulations. Indeed, if an agency unreasonably delayed a rule-making, for whatever reason, a court could force it to proceed. And any regulation must be supported by the public record of the rule-making and must comply with the relevant substantive statute. A reviewing court could overturn the rule if any abuse of the president's authority made the rule arbitrary or otherwise unlawful.

In short, viable oversight of regulatory analysis is established without giving the president some new "veto" authority over agencies.

In addition, this oversight authority only applies to "major rules," estimated to number only 165 each year, out of a total of about 7,000. Surely it is a most outrageous exaggeration to characterize the executive oversight in this bill as giving the president "day-to-day oversight and management authority over key actions" of any agency as Sen. John Glenn did ["We Can Do Without This 'Regulatory Reform,'" op ed, Feb. 25].

To speak of executive oversight as contradicting "the very notion of agency independence" is to miss the point. Authority upon authority—ranging from the Governmental Affairs Committee's own study on federal regulation to a recent opinion of the U.S. Court of Appeals here—explains that

these agencies are "independent" because of their adjudicatory, not rule-making, role. How then, as Sen. Glenn contends, would procedures established by the president for regulatory analysis, which is done only in major rule-making and not in adjudications, contradict "the very notion of agency independence"?

When it comes to rule-making, why should a consumer safety rule of the CPSE (an "independent" agency) be treated differently from a worker safety rule of OSHA (an "executive" agency)? The rules of "independent" agencies are important, but are the rules of "executive" agencies (such as the EPA) any less important? The very importance of all major rules makes outside oversight of their regulatory analyses a practical necessity.

For the student of history, a list of horribles that would flow from this limited executive oversight provision and alarmed comments from the "independent" agencies are familiar. During the 1945 hearings on the original Administrative Procedure Act, the Interstate Commerce Commission wrote to the House Judiciary Committee saying the act "would make impossible the performance of some of our important duties." Could anyone seriously maintain that that act has crippled the ICC, or any other agency?

We must not turn the clock back and allow a group of agencies to operate with relatively unbridled discretion. The American public deserves better.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 148. Joint resolution to proclaim March 18, 1982, as "National Agriculture Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2953. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of March 1, 1982; to the Committee on Appropriations; the Committee on the Budget; the Committee on Agriculture, Nutrition, and Forestry; the Committee on Foreign Relations; the Committee on Commerce, Science, and Transportation; the Committee on Labor and Human Resources; the Committee on Energy and Natural Resources; the Committee on Armed Services; the Committee on Banking, Housing, and Urban Affairs; the Committee on Finance; the Committee on Small Business; and the Committee on Veterans Affairs; jointly, pursuant to the order of January 30, 1975.

EC-2954. A communication from the President of the United States transmitting, pursuant to law, notice of the waiving of a certain proviso of the Agricultural Trade Development and Assistance Act (Public Law 480); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2955. A communication from the Secretary of Defense transmitting, pursuant to law, a secret report relative to chemical weapons and warfare; to the Committee on Armed Services.

EC-2956. A communication from the Secretary of Defense transmitting, pursuant to law, a secret report on the Department of Defense North American Air Defense Master Plan; to the Committee on Armed Services.

EC-2957. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, a report on the decision to convert the transient aircraft maintenance function at Ellsworth Air Force Base, South Dakota to performance under contract; to the Committee on Armed Services.

EC-2958. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to provide that certain service in the Public Health Service may be counted toward retirement as a member of the armed forces; to the Committee on Armed Services.

EC-2959. A communication from the Deputy Assistant Secretary of Defense for Reserve Affairs transmitting, pursuant to law, a report on selective reserve recruiting and retention incentives; to the Committee on Armed Services.

EC-2960. A communication from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, the annual report on the Panama Canal Treaties of 1977 for October 1, 1980 through September 30, 1981; to the Committee on Armed Services.

EC-2961. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1982 and 1983 for maintenance and operations of the Panama Canal; to the Committee on Armed Services.

EC-2962. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations to implement the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act for fiscal years 1983 and 1984; to the Committee on Commerce, Science, and Transportation.

EC-2963. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on the necessity for the modification of Lake Sherburne Dam, Mont.; to the Committee on Energy and Natural Resources.

EC-2964. A communication from the Secretary of Energy transmitting, pursuant to law, notice of delay in submitting the comprehensive management plan for Wind Energy Systems for fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-2965. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting, pursuant to law, the comments of the Council on the Army Corps of Engineers to issue a permit to construct an entrance channel and commercial marina complex in Murrells Inlet, Georgetown County, S.C.; to the Committee on Energy and Natural Resources.

EC-2966. A communication from the President of the U.S. Synthetic Fuels Corporation transmitting, pursuant to law, its quarterly report for October 1 through December 31, 1981 on funds committed or outstanding for financial assistance or corporation construction projects; to the Committee on Energy and Natural Resources.

EC-2967. A communication from the Secretary of State transmitting a draft of proposed legislation to authorize additional security and development assistance programs for fiscal years 1983 and 1984; to the Committee on Foreign Relations.

EC-2968. A communication from the Acting Chairman, Equal Employment Opportunity Commission, transmitting a report in compliance with the Government in the Sunshine Act for calendar years 1980 and 1981; to the Committee on Governmental Affairs.

EC-2969. A communication from the Acting Executive Officer, National Science Board, transmitting a report pursuant to the requirements of the Government in the Sunshine Act for calendar years 1980 and 1981; to the Committee on Governmental Affairs.

EC-2970. A communication from the Deputy Secretary of Energy, reporting, pursuant to law, that the statutory deadline for interim standards under the building energy performance standards (BEPS) program, has not been met; to the Committee on Governmental Affairs.

EC-2971. A communication from the Director, Office of Management and Budget, Executive Office of the President, and from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the performance of functions and duties of the Office of Management and Budget and the Department of the Treasury; to the Committee on Governmental Affairs.

EC-2972. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report in compliance with the Freedom of Information Act, for calendar year 1981; to the Committee on the Judiciary.

EC-2973. A communication from the Acting Administrator, U.S. Small Business Administration, transmitting, pursuant to law, a report in compliance with the Freedom of Information Act for 1981; to the Committee on the Judiciary.

EC-2974. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report in compliance with the Freedom of Information Act for 1981; to the Committee on the Judiciary.

EC-2975. A communication from the Administrator, General Services Administra-

tion, transmitting, pursuant to law, a report in compliance with the Freedom of Information Act for 1981; to the Committee on the Judiciary.

EC-2976. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to extend for 3 years the authorization for appropriations for refugee assistance, to make certain improvements in the operation of the program, and for other purposes; to the Committee on the Judiciary.

EC-2977. A communication from the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting a draft of proposed legislation to amend title 18 of the United States Code by adding a new section 3505 to chapter 223 to limit the application of the fourth amendment exclusionary rule in Federal court proceedings; to the Committee on the Judiciary.

EC-2978. A communication from the President, National Safety Council, transmitting a report of the audit of the financial transactions of the council for the fiscal year ended June 30, 1981; to the Committee on the Judiciary.

EC-2979. A communication from a Member, Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the sixth annual report on the arts and artifacts indemnity program for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-2980. A communication from the Deputy Assistant Secretary (military personnel and force management), Department of Defense, transmitting, pursuant to law, the annual testing report for school year 1981-82 for the overseas dependents' schools administered by the Department of Defense; to the Committee on Labor and Human Resources.

EC-2981. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to authorize job training programs for welfare recipients, economically disadvantaged out-of-school youths, and other persons who are in particular need of such training to obtain productive employment in the private sector of the Nation's economy, and for other purposes; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Max L. Friedersdorf, of Florida, a Member of the Foreign Service of the Department of State, to be a Consular Officer and Secretary in the Diplomatic Service of the United States of America. (Ex. Rept. No. 97-52) (together with Minority Views).

(The above nomination from the Committee on Foreign Relations was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2200. A bill to amend the Internal Revenue Code of 1954 to provide that a 10-percent income tax rate shall apply to all individuals, and to repeal all deductions, credits, and exclusions for individuals other than a $2,000 deduction for each personal exemption; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2201. A bill to amend the safe-harbor leasing provision in the Economic Recovery Tax Act; to the Committee on Finance.

By Mr. ARMSTRONG (for himself, Mr. HAYAKAWA, Mr. DECONCINI, Mr. LAXALT, Mr. CANNON, Mr. GOLDWATER, Mr. WALLOP, Mr. HATFIELD, Mr. CRANSTON, Mr. HART, and Mr. SIMPSON):

S. 2202. A bill to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAXALT (for himself and Mr. CANNON):

S. 2203. A bill to authorize the Secretary of the Interior to transfer all rights, title and interest of the United States in 29,884 acres, more or less (Battle Mountain Community Pasture), to the Pershing County Water Conservation District of Nevada; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 2204. A bill to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ARMSTRONG (for himself, Mr. THURMOND, Mr. HEFLIN, Mr. RANDOLPH, Mr. LUGAR, Mr. DENTON, Mr. MATTINGLY, Mr. GORTON, Mr. SYMMS, Mr. DOLE, Mr. QUAYLE, Mr. PRYOR, Mr. KASTEN, Mr. JOHNSTON, Mr. ANDREWS, Mrs. KASSEBAUM, Mr. HARRY F. BYRD, JR., Mr. DECONCINI, Mr. STENNIS, Mr. DOMENICI, Mr. HUMPHREY, Mr. D'AMATO, Mr. JEPSEN, Mr. RUDMAN, Mr. BOREN, Mr. MURKOWSKI, Mr. CHILES, Mr. STEVENS, Mr. HATFIELD, and Mr. INOUYE):

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. RIEGLE (for himself and Mr. BRADLEY):

S. Res. 339. Resolution expressing the sense of the Senate concerning the effective date of any 1982 tax increases or tax benefit decreases; to the Committee on Finance.

By Mr. ROBERT C. BYRD:

S. Res. 340. Resolution to express the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment program under title V of the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

By Mr. PERCY from the Committee on Foreign Relations:

S. Res. 341. Original resolution authorizing the printing of the committee print entitled, "Background Information on the Committee on Foreign Relations, United States Senate"; to the Committee on Rules and Administration.

By Mr. TSONGAS:

S. Con. Res. 69. Concurrent resolution urging the Soviet Union to allow Ida Nudel to emigrate to Israel and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG (for himself, Mr. HAYAKAWA, Mr. DECONCINI, Mr. LAXALT, Mr. CANNON, Mr. GOLDWATER, Mr. WALLOP, Mr. HATFIELD, Mr. CRANSTON, Mr. HART, and Mr. SIMPSON):

S. 2202. A bill to amend the Colorado River Basin Salinity Control Act to authorize certain additional measures to assure accomplishment of the objectives of title II of such act, and for other purposes; to the Committee on Energy and Natural Resources.

COLORADO RIVER BASIN CLEANUP

● Mr. ARMSTRONG. Mr. President, today I am introducing a bill that will set out a blueprint for an ambitious—but absolutely essential—cleanup of one of America's most important rivers.

The 1400-mile-long Colorado River is the lifeblood of 17 million people from Denver to San Diego. Thanks to the 80-year miracle of the Reclamation Act of 1902, this river has made America's western desert bloom; in fact, 1.5 million acres of prime farmland are irrigated by it today.

And yet, this magnificant river is being slowly poisoned as its waters become more and more saline; that is, adulterated by dissolved solids. Salinity is caused by two things: salt loading—which comes from contact with very saline western soils, salty mineral springs, and so forth—and salt concentrating—which is caused by evaporation and increasing consumptive use of the river as the seven States it serves rapidly develop. At its headwaters, the Colorado River has less than 50 milligrams of salt in every liter of water; at Imperial Dam, near the Mexican border, that number leaps to over 800 milligrams—an increase of more than 1,600 percent.

The Bureau of Reclamation has quantified some of the economic damage that is caused by this extremely saline water to the agricultural, industrial, and municipal water users in the western United States. In 1981 alone, for example, this damage was

estimated at $97 million. It is further calculated that the damage toll will reach an annual level of $237 million—in constant 1981 dollars—by the year 2000 if tough control measures are not implemented now. These are estimates of immediately quantifiable damage only and do not include significant environmental losses, damage to valuable fish and wildlife habitats, or the serious health problems that could result from the fact that salinity levels are already well above the 500 milligram-per-liter maximum recommended by EPA's "Secondary Drinking Water Standards."

Forty-seven percent of the salt loading is caused by natural sources; 37 percent by irrigation in saline soils; 12 percent through evaporation from reservoirs, which increases salt density; and 4 percent from miscellaneous sources. According to the Bureau of Reclamation, an increase of just 1 milligram in every liter of water—as measured at Imperial Dam—causes a verifiable economic loss of $472,000; 70 percent, or $330,400 of this, is borne by the municipal and industrial sectors and 30 percent, or $141,600, is felt by the agricultural sector. By the same token, however, we can diminish that damage by half a million dollars every year—in 1981 dollars—for each milligram per liter of salt we keep out of the Colorado River system.

Mr. President, the salinity of the Colorado River, as measured at Imperial Dam, is projected to increase from today's already unacceptable level of 823 milligrams per liter to a staggering 1,200 milligrams per liter at the turn of the century.

The waters of the Colorado River are almost entirely consumed by the time they reach the Gulf of California, notwithstanding their extreme salinity in the lower reaches. It is a source of continuing irritation to Mexico, our important neighbor and ally, that they receive from the United States the saltiest part of one of the most saline rivers in the world. In fact, in August 1973, the United States signed a minute with Mexico stipulating that its entitlement water—1.36 million acre-feet each year—would have a salinity of no more then 115 parts per million above the level at Imperial Dam. This is an absolute obligation of international law and we have already reached this ceiling. Each additional impoundment structure on the Colorado River and every increase in consumptive use will add to salinity—thus further degrading the complex river ecosystem and moving us nearer to the salinity ceiling agreed with Mexico.

Finally, Mr. President, the seven Basin States agreed with EPA in 1972 that the Clean Water Act nondegradation standards for Colorado River water would be 879 milligrams per liter. At 823 milligrams per liter, we are already very near that ceiling too—and well above the 500 level set by EPA's "Secondary Drinking Water Standards." Unless decisive action is taken swiftly, this double-vaulted ceiling will put an abrupt halt to growth in a seven-State area that comprises 26 percent of the land mass of the 48 contiguous States.

Plainly, something has to be done—and it has to be done now.

In 1974, Congress recognized the urgency of this problem by passing the Colorado River Basin Salinity Control Act. That act provided for the construction, operation, and maintenance of salinity control units at several points along the length of the river. Now it is time to take another step in this critical effort of cleaning up the Colorado River. The bill I am introducing has four important objectives:

First, authorization of six new salinity units, to be constructed within the funding ceiling established in the 1974 act. One of these units is a salinity control project that involves, for the first time, Bureau of Land Management land; another is a broadly defined project that gives the Department of the Interior flexible authority to demonstrate new technologies for disposing beneficially of this waste saline water.

Second, improvement of a large network of canal and lateral systems, with everything but the salinity benefits being reimbursed to the Federal Government by the water users who benefit.

Third, replacement of incidental wildlife or other environmental values that may be impaired due to construction of salinity control projects.

Fourth, implementation of a more streamlined and effective on-farm control program through the Department of Agriculture. This program will be entirely voluntary in nature and pursued cooperatively with private landowners; it is designed to improve water management and conservation, while reducing watershed erosion.

Mr. President, this bill is unanimously supported by the seven Colorado Basin States; Wyoming, Colorado, New Mexico, Utah, Nevada, Arizona, and California. I commend it to my colleagues for their consideration. I hope many of them will be able to join with us in supporting this critically important, environmentally sound and demonstrably cost-effective effort to clean up and rehabilitate one of America's most relied-upon and spectacular rivers.●

● Mr. WALLOP. Mr. President, I am pleased to join my western colleagues in cosponsoring this important bill. The Colorado River is considered the lifeline of the West. It encompasses portions of seven States—Wyoming, Colorado, Utah, New Mexico, Nevada, Arizona, and California, as it travels 1,400 miles from the headwaters in Wyoming and Colorado to the Gulf of California. No one river has been the subject of more controversy and regulation than the Colorado River. The waters of the Colorado are so completely allocated by compact that not one drop of water from the river enters the gulf. Literally, the river has made the desert bloom.

The Colorado River is in serious trouble, though. The salinity levels are increasing at an unacceptable rate. Salinity, which is dissolved minerals, is caused by two things: Salt loading, which comes from contact with saline soils, and salt concentrating, which is caused by evaporation and consumptive use of the water. The salinity concentration at the Colorado River's headwaters is about 50 milligrams per liter. These concentrations increase progressively downstream. In 1979, there was an average of about 810 milligrams per liter at Imperial Dam, which is the last major diversion on the river in the United States. Salinity has been projected to increase to 1,140 milligrams per liter by the turn of the century.

The Bureau of Reclamation has quantified the damage caused by the increase in salinity. In 1981, the damage was estimated at $97 million. It is further calculated that the damage will reach an annual level of $237 million—constant 1981 dollars—by the year 2000. This does not include the significant losses to the environment and the damage to fish and wildlife habitats.

The salt load of 10 million tons annually which enters Lake Mead adversely affects more than 10 million people and 1 million acres of irrigated farmland. According to the Bureau, an increase of 1 milligram in every liter of water causes a verifiable economic loss of $472,000; 70 percent of this is borne by municipal and industrial users, while the other 30 percent is borne by agriculture.

In 1974, Congress recognized the seriousness of the problem when they passed the Colorado River Basin Salinity Control Act. We have learned much from our experience of the last several years in trying to solve the salinity problem, and this bill represents an important step toward reaching that goal. The proposed legislation has the unanimous support of the Colorado River Basin States. Even the State of Wyoming, whose water is relatively clean, realized the importance in taking steps to solve the salinity problem. Up until now, the Upper Basin States have developed only a small fraction of the water allocated to them under the Colorado River compact. These States recognize that unless the increase in salinity is diminished, they will be unable to fully develop their share of the Colorado

River. Consequently, they have given their full support to this measure.

The proposed legislation recognizes the need for more flexibility to mitigate the damages attributable to salinity. The Basin States have shown a willingness to support the current fiscal policies of the Federal Government by substantially increasing the States' repayment obligations under this bill. In addition, farmers cooperating in the voluntary onfarm program would contribute up-front moneys to help pay a portion of the costs of the onfarm measures.

The bill does not only address a serious national issue, it also attempts to resolve an important international issue. In 1973, the United States entered into a treaty with Mexico which limited the salinity of the water delivered to Mexico under the 1944 treaty to no more than 115 milligrams per liter plus 30 milligrams per liter greater than the salinity of the Colorado at Imperial Dam. This legislation is, therefore, necessary for the United States to fulfill this obligation.

An important and unique partnership between the Federal Government and the Colorado River Basin States is established by this bill. I encourage my colleagues to carefully consider the legislation and I urge for its speedy enactment.●

By Mr. LAXALT (for himself and Mr. CANNON):

S. 2203. A bill to authorize the Secretary of the Interior to transfer all rights, title, and interest of the United States in 29,884 acres, more or less (Battle Mountain Community Pasture), to the Pershing County Water Conservation District of Nevada; to the Committee on Energy and Natural Resources.

PERSHING COUNTY WATER CONSERVATION

● Mr. LAXALT. Mr. President, I am today introducing, with my distinguished colleague Senator CANNON, legislation to transfer certain lands located near Battle Mountain, Nev., from the United States to Pershing County Water Conservation District.

The bill would transfer 29,884 acres of land that was bought from private owners years ago by the Bureau of Reclamation to assist in providing water for Lovelock Valley, Nev.

The Pershing County Water Conservation District paid the purchase price of the land in 1978, when it paid for the Rye Patch Dam reclamation project. The land is used by the water district as community pastureland.●

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 2204. A bill to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts, and for other purposes.

FAIR INSURANCE PRACTICES ACT

● Mr. HATFIELD. Mr. President, today, I wish to introduce legislation which will promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts. I am pleased to have my distinguished colleague, Senator PACKWOOD join me on this legislation.

Mr. President, despite progress in combatting sex discrimination in American society over the past decade, significant gaps remain. Perhaps none is so large and pervasive as that discrimination which occurs in the insurance marketplace.

This provision recognizes a national policy which has been appropriately reaffirmed over the past 20 years: That discrimination on the basis of race, color, religion, sex, or national origin is unfair and unlawful. In the proposed Nondiscrimination in Insurance Act, which is a part of the Economic Equity Act, that policy is stated. As it should be; for it is fundamentally unfair to stereotype individuals on these bases. Different and unequal treatment of like individuals cannot be tolerated in the employment sector. Neither can it be tolerated in the insurance marketplace.

In the abstract, continuation of discriminatory policies in insurance is discouraging. But in its practical ramifications, it is even more distressing. For in an era in which over 40 percent of the work force is women—and some 60 percent of those women work out of economic need—denial of access to insurance at fair rates can have severe economic consequences.

For example, today there are reported to be 7.7 million single-parent families headed by women. These families are wholly dependent on females for financial support. Yet, the availability and scope of insurance for them are minimized and the rates often maximized because of their sex. This policy can effectively prohibit women from achieving the basic insulation from financial loss which is the benefit of insurance.

This is only one example of the effects of a sex-based classification in insurance. Cited here are a few others as they occur in various types of insurance:

In disability, many types of insurance benefits available to men are not available to women. While coverage has improved over the past few years, in some States, disability coverage is not available to women on any terms, at any price. In other States where it is available, its cost is significantly greater.

In health, waiting periods are usually much longer for women, and benefit periods shorter. According to a report on sex discrimination in insurance prepared by the Women's Equity Action League, it is not uncommon to find that, despite higher premiums paid by women, the benefits they receive are much lower. Pregnancy coverage, despite its centrality to women's insurance needs, is often unavailable.

In life insurance, coverage for women is often limited in scope and availability. Certain options, commonly available to men, have been restricted to women.

The same justification for differential rates can be made for discrimination against blacks because white persons as a group have a longer life expectancy than black persons as a group. However, such discrimination is now, and should be, totally rejected.

It must be understood that there is no objection to basing a life insurance policy on longevity. However, if sex is the only criterion used to determine longevity, it is clearly unfair and relatively unreliable. Instead of merging sex with all the other criteria effecting life expectancy, the industry has chosen to concentrate exclusively on it. The industry has virtually ignored other, more accurate classification criteria, such as smoking habits, family health history, physical condition, recreational, and occupational activities.

Recent investigations have demonstrated that some employer-sponsored life insurance charged women more for pension coverage on the assumption they would live longer, but charged them as much as men for life insurance. They thus ignored sex differences when they would have helped women. According to a study completed by Dr. Charles Laycock, a University of Chicago law professor, some companies make a smaller allowance for sex differences in life insurance, where the difference helps women, than in annuities, where the difference helps men.

Two years ago the Supreme Court, in the so-called Manhart decision, ruled it unlawful to treat "individuals as simply components of a racial, religious, sexual or national class." While this ruling applies only to employer-operated insurance plans, the proposed bill expands the prohibition to private and individual plans, as well.

The insurance industry has claimed that some 19 States have already adopted a model regulation of the National Association of Insurance Commissioners which supposedly accomplishes the same objective as this legislation. Thus, the need for Federal legislation is eliminated, according to the industry.

However, this model regulation does not touch on the aspects of disparate rates and benefits—merely availability and scope. And even this incomplete regulation was watered-down further by several of the 19 States which eventually adopted it. If it is discovered that the States are indeed doing their jobs with respect to offering fair and just insurance policies and rates, and enforcing such, I would have no hesitancy to withdraw my support for this legislation. The bill is designed to en-

89-059 O-85-2 (Pt. 4)

courage the States to adopt nondiscriminatory policies.

It is important to stress here that the Nondiscrimination in Insurance Act will in no way remove authority from the States to regulate the insurance industry. No Federal mechanism for administration or enforcement is established, and not one bureaucrat would spring into being as a result of this bill.

Classification by sex is clearly not a business necessity, as some parts of the insurance industry would have us believe. It was adopted by the industry only 30 years ago as a convenient, though incomplete, method of classifying risks. While it may require minor cost adjustments in some policies and practices, such an argument cannot be used as a defense for discrimination.

Again, researchers have helped dispel a myth commonly touted by the insurance industry; that if sex differences are ignored, one sex will subsidize the other, the subsidizing sex will quit buying insurance, throwing off the necessary balance in insurance pools. If that were true, according to Professor Laycock, we would have encountered the same problems with respect to all the other groups for which the insurance industry does not compute separate actuarial tables.

We have discussed previously the differential in longevity statistics between blacks and whites. But whites have not quit buying life insurance. Rich people live longer than poor people, but rich people have not quit buying life insurance. The difference in life expectancy between highly and poorly educated women is greater than the difference between the sexes, but educated women have not quit buying life insurance. The difference in life expectancy between married and single men is greater than the difference between the sexes, but married men have not quit buying life insurance.

These and other examples demonstrate that differences in group averages of this magnitude do not cause many members of the lower risk group to go uninsured, and no unmanageable problems result. Where unisex automobile insurance is used, as it has been in three States, it has worked; no unmanageable problems result, and rate changes between the sexes have been insignificant.

I am hopeful that it will not require the pressure of the courts, of civil rights and women's groups, and of the public opinion, to convince the insurance industry to treat its policyholders without discrimination on the basis of sex. Support of a significant number and type of groups representing the public, including the American Association of University Women, the AFL-CIO, the National Federation of Business and Professional Women, as well as the Leadership Conference on Civil Rights, are supportive of this legislation. I will use that support to help assure that a policy adopted by Congress some 16 years ago will also be applied in the insurance marketplace.●

By Mr. ARMSTRONG (for himself, Mr. THURMOND, Mr. HEFLIN, Mr. RANDOLPH, Mr. LUGAR, Mr. DENTON, Mr. MATTINGLY, Mr. GORTON, Mr. SYMMS, Mr. DOLE, Mr. QUAYLE, Mr. PRYOR, Mr. KASTEN, Mr. JOHNSTON, Mr. ANDREWS, Mrs. KASSEBAUM, Mr. HARRY F. BYRD, Jr., Mr. DECONCINI, Mr. STENNIS, Mr. DOMENICI, Mr. HUMPHREY, Mr. D'AMATO, Mr. JEPSEN, Mr. RUDMAN, Mr. BOREN, Mr. MURKOWSKI, Mr. CHILES, Mr. STEVENS, Mr. HATFIELD, and Mr. INOUYE):

S.J. Res. 165. Joint resolution authorizing and requesting the President to proclaim 1983 as the "Year of the Bible"; to the Committee on the Judiciary.

YEAR OF THE BIBLE

● Mr. ARMSTRONG. Mr. President, I am privileged to introduce today along with fellow Senators THURMOND, HEFLIN, RANDOLPH, LUGAR, DENTON, MATTINGLY, GORTON, SYMMS, DOLE, QUAYLE, PRYOR, KASTEN, JOHNSTON, ANDREWS, KASSEBAUM, HARRY F. BYRD, JR., DECONCINI, STENNIS, DOMENICI, HUMPHREY, D'AMATO, JEPSEN, RUDMAN, BOREN, MURKOWSKI, CHILES, STEVENS, HATFIELD, and INOUYE, a joint resolution that authorizes and requests the President of the United States to designate 1983 as the "Year of the Bible."

We are at a unique point in our spiritual development as a nation. This Nation was settled by immigrants seeking religious freedom. Our Declaration of Independence as well as the Constitution of the United States embraced concepts of civil government that were inspired by the Holy Scriptures. As a nation we have been led by great leaders—among them Presidents Washington, Jackson, Lincoln, and Wilson—who personally knew and paid tribute to the surpassing influence that the Bible is, in the words of President Jackson, "the rock on which our Republic rests."

Now we are beginning our third century as a nation dedicated to the proposition that all men are created equal and that they are endowed by their Creator with certain inalienable rights. The challenges we face in this third century of government are as great as those faced and met in our first century. Those challenges of the late 1700's—economic recovery, international tension, trade expansion, preservation of religious freedom, and all the rest—were met in whole or in part by the Providence of God, and our faith and trust in Him.

The challenges of the 1980's are equally great. But these challenges can be met if we follow the examples of our forefathers and renew our knowledge of and faith in God through study and application of teachings of the Holy Scriptures.

1983 can be a year of spiritual renewal as a nation. That is why I and 29 Senators are introducing a joint resolution today that, once passed, authorizes and requests the President to declare 1983 as the Year of the Bible.

Our joint resolution—introduced on a bipartisan basis—is straightforward. The joint resolution notes the surpassing influence the Bible has had in the formation of this Nation, and its roots in our early settlement and our form of civil government. The joint resolution requests the President to designate 1983 as the Year of the Bible "in recognition of the formative influence the Bible has been for our Nation, and of our national need to study and apply the teachings of the Holy Scriptures."

My hope is this joint resolution can and will be speedily enacted. Already plans are underway to use 1983 as a year to foster Biblical teaching and study. This joint resolution honors and encourages these voluntary efforts.

I urge quick enactment of this timely joint resolution.●

ADDITIONAL COSPONSORS

S. 888

At the request of Mr. DURENBERGER, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 888, a bill to provide effective programs to assure equality of economic opportunities for women and men, and for other purposes.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1693

At the request of Mr. KASTEN, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1693, a bill to provide for the issuance of a special stamp to commemorate the 200th anniversary of the presence of the bald eagle on the official seal of the United States of America.

S. 1840

At the request of Mr. DURENBERGER, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1840, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange stu-

dents as members of the taxpayer's household.

S. 2107

At the request of Mr. LEVIN, the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this Act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2141

At the request of Mr. DURENBERGER, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2141, a bill to amend the Internal Revenue Code of 1954 to treat as a reasonable need of a business for purposes of the accumulated earnings tax any accumulation of earnings by such business before the death of a shareholder in anticipation of section 303 (a) distributions, and for other purposes.

S. 2150

At the request of Mr. LEVIN, the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 2150, a bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued.

S. 2179

At the request of Mr. ROBERT C. BYRD, the Senator from North Dakota (Mr. BURDICK), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 2179, a bill to amend the War Powers Resolution to require specific authorization before the introduction of any U.S. Armed Forces into hostilities in El Salvador, and for other purposes.

SENATE JOINT RESOLUTION 156

At the request of Mr. KASTEN, the Senator from Iowa (Mr. GRASSLEY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Michigan (Mr. RIEGLE), the Senator from New York (Mr. D'AMATO), the Senator from Missouri (Mr. EAGLETON), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), the Senator from Maine (Mr. COHEN), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 156, a joint resolution to designate April 9, 1982, as "POW-MIA Commemoration Day".

At the request of Mr. KASTEN, the Senator from Massachusetts (Mr. TSONGAS) was withdrawn as a cosponsor of Senate Joint Resolution 156, supra.

SENATE JOINT RESOLUTION 160

At the request of Mr. HAYAKAWA, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 160 a joint resolution to designate July 9, 1982, as "National POW-MIA Recognition Day."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Connecticut (Mr. WEICKER), the Senator from Texas (Mr. BENTSEN), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE RESOLUTION 334

At the request of Mr. ROBERT C. BYRD, his name was added as a cosponsor of Senate Resolution 334, a resolution to express the sense of the Senate disapproving the policy of the administration with respect to railroad retirement for fiscal year 1983.

AMENDMENT NO. 1256

At the request of Mr. CHAFEE, the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Amendment No. 1256 proposed to S. 391, a bill to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

SENATE CONCURRENT RESOLUTION 69—URGING THE SOVIET UNION TO ALLOW IDA NUDEL TO EMIGRATE TO ISRAEL

Mr. TSONGAS submitted the following concurrent resolution which was referred to the Committee on Foreign Relations:

S. CON. RES. 69

Whereas, the Universal Declaration of Human Rights and the International Convenant on Civil and Political Rights guarantee to all citizens the rights to freedom of religion, the right to hold opinions without interference, the right to freedom of expression, and the right of emigrate;

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory nations to respect individual rights and freedom, specifically the right to emigrate to the country of one's choice to rejoin their relatives;

Whereas the Soviet Union has signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Ida Nudel has devoted her life to the plight of Jewish Prisoners of Conscience;

Whereas Ida Nudel is know as the "Guardian Angel" for her activities on their behalf;

Whereas Ida Nudel first applied to emigrate from the Soviet Union to Israel in 1971 in order to rejoin her only living relatives; and

Whereas Ida Nudel thereafter endured seven years of harassment and interrogation by the Soviet authorities;

Whereas Ida Nudel developed a heart condition in 1973 which was intentionally misdiagnosed as alcoholism, and therefore never treated properly;

Whereas in June 1978, Ida Nudel was convicted by the Soviet Government of "malicious hooliganism" for hanging a banner on her balcony which said "KGB, give me my visa";

Whereas Ida Nudel was then sentenced to four years of exile in Siberia after a trial in which no witnesses were allowed to testify in her behalf;

Whereas Ida Nudel is in grave physical danger, not only from her failing health, but from citizens around her who have been incited by the Soviet Government to harass and threaten her;

Whereas Ida Nudel is scheduled to be released from internal exile on March 20, 1982; and

Whereas Ida Nudel will again apply for an emigration visa upon being released from inprisonment: Now, therefore be it

Resolved by the Senate, (the House of Representatives concurring), That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile of Ida Nudel;

(2) urge the Government of the Soviet Union to (A) provide her with adequate medical care, (B) accept Ida Nudel's visa application, and allow her to emigrate to Israel to join her relatives, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; and

(3) inform the Government of the Soviet Union that the Government of the United States, in evaluating its relations with other countries, will take into account the extent to which such countries honor their commitments under international law, especially commitments with respect to the protection of human rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States.

IDA NUDEL

Mr. TSONGAS. Mr. President, I rise today to introduce a resolution calling upon the President and the Secretary of State to express in the strongest possible terms to Soviet authorities our opposition to the harsh treatment of Ida Nudel. I am sure my colleagues are well aware of the tragic story of this courageous woman who has paid a heavy price for wishing to emigrate to Israel in order to rejoin her only living relatives, and for promoting the cause of human rights in the Soviet Union.

For those well acquainted with the Soviet Union's abysmal treatment of its Jewish citizens who wish to emigrate, Ida Nudel may be better remembered as the Guardian Angel of the Soviet Jewish Prisoners of Conscience. Throughout her life, Ida has dedicated herself to the ideals of freedom and liberty. As one Soviet emigrant remarked upon his arrival in Israel, "the one person above all others who helped to keep morale and who constantly helped with letters and parcels, the person rated by all to be a superhuman angel, is Ida Nudel."

Mr. President, Ida Nudel has suffered dearly for her valiant struggle against Soviet repression. When she and her sister, Elana, applied for emigration visas in 1971, Elana was granted permission to leave, while Ida was forced to remain behind. The Soviet authorities gave no justification for this. Later, when Ida developed a heart ailment, Soviet authorities had the gall to accuse her of being an alcoholic, and treated her illness accordingly. In 1978, in an act of utter frustration, Ida hung a banner on the balcony of her Moscow apartment that stated her cause very simply. It read: "KGB, give me my visa." In response to her boldness, Soviet authorities convicted Ida of "malicious hooliganism," and sentenced her to 4 years in Siberian exile. Ida, of course, did not make it easy for her Soviet oppressors. When the KGB attempted to tear her banner down, Ida threw buckets of water on them. After her arrest, she refused to attend her own trial because her friends, the foreign press, and even witnesses on her behalf were barred from the courtroom. Soviet militiamen were forced to carry her to trial.

In the desolate city of Krivosheino in Siberia, where she was exiled, life was made extremely difficult for Ida. At first, she was placed in a barracks with 60 men. She was the only woman living among them and kept a knife by her bed for protection against their drunken outbursts. The outrageous persecution of Ida Nudel did not end there. In 1980, a local newspaper ran an article attacking her as "an ingrate." Even the local population turned on her; she was the subject of repeated scorn and vicious anonymous letters.

As a result of worldwide appeals, Ida has now been moved to a one-room hut. However, the hut has little heat and no running water, and Ida must carry firewood and provisions long distances.

Mr. President, Ida's ordeal in Siberia may soon be over. I have learned that she may be released from internal exile on March 20, 1982. At that time she will again apply for an emigration visa.

However, there are fears that the Soviet authorities may be laying the groundwork to levy additional charges against Ida. This could mean her transferral to a mental institution or labor camp, instead of her scheduled release later this month. Thus, it is critically important that we inform the Soviet Government that their continued refusal to allow Ida Nudel to emigrate from the Soviet Union is unacceptable to the U.S. Congress and the American people. I urge all of my colleagues to support this resolution. A courageous woman's life may depend upon our action.

SENATE RESOLUTION 339—RESOLUTION RELATING TO 1982 TAX INCREASES OR DECREASES

Mr. RIEGLE submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 339

Resolved, That it is the sense of the Senate that any amendment of, or addition to, the Internal Revenue Code of 1954 which—

(1) is enacted into law during 1982, and

(2) increases taxes or decreases tax benefits provided by the code.

shall not take effect earlier than the date of the enactment of such amendment or addition.

(The remarks of Mr. RIEGLE on this legislation appear earlier in today's RECORD.)

SENATE RESOLUTION 340—RESOLUTION RELATING TO COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. ROBERT C. BYRD submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 340

Whereas the Senate unanimously reauthorized the Older Americans Act of 1965 last year to provide funding through fiscal year 1984,

Whereas the Administration is proposing that the Community Service Employment Program for Older Americans under title V of the Older Americans Act of 1965 be eliminated,

Whereas loss of the Community Service Employment Program will severely impact on the ability of local agencies to provide other services funded under the Older Americans Act of 1965,

Whereas the Community Service Employment Program under title V provides about 54,000 part-time jobs nationwide for low-income older Americans,

Whereas 65 percent of all participants in the Community Service Employment Program are elderly women, and

Whereas most participants in the Community Service Employment Program have incomes below the poverty level: Now, therefore, be it

Resolved, That it is the sense of the Senate that no action be taken to terminate or otherwise weaken the Community Service Employment Program under title V of the Older Americans Act of 1965.

COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I am today submitting a resolution which expresses the sense of the Senate that no action be taken to terminate or otherwise weaken the community service employment program under title V of the Older Americans Act.

The administration's fiscal year 1983 budget would eliminate the special jobs program for the aged under title V, a program that, just last year, the Congress reauthorized and funded at $268 million for fiscal year 1982. Title V provides about 54,000 part-time jobs nationwide for low-income senior citizens. Sixty-five percent of all participants are elderly women, and most participants have incomes below the poverty level.

The administration is proposing that this program be merged into a special target-group employment effort in which senior citizens would vie for employment with migrant workers, displaced homemakers, and Indians for a total funding level of $274 million. Obviously, reductions of this magnitude would mean that someone will be unemployed, and in all probability that someone will be the elderly.

There are about 690 senior citizens employed in community service jobs at minimum wage in West Virginia, and I have heard from many of them. The following is an excerpt from a letter received from one of my constituents in the southern part of West Virginia, which is representative of the concerns that have been expressed to me:

I am 78 years old and the chances of me finding another job if this program is discontinued are very slim, and near zero percent. I am retired on social security and receive only $296 per month. My living expenses are as follows: $100 a month for rent, $100 a month for utilities (in the winter months my utilities run as high as $250 monthly), plus money for groceries, plus $50 a month on health insurance premiums, plus money for personal needs. My wife is diabetic and disabled, and has to buy a lot of medicine and has large medical expenses. Both my wife and I require special diet foods. I have explained this to help you realize that should this program be discontinued, I would be unable to make it financially on the social security payment of $296 a month, as living expenses far exceed this amount.

These are proud people who bring a lifetime of experience and a wealth of understanding to the individuals they serve. Frankly, these people are hard pressed to make ends meet even with their jobs. To eliminate the senior jobs program would simply force the elderly onto the welfare rolls and any savings that would be assumed by eliminating this program would be borne by another. Further, the administration is proposing cutbacks in special nutrition programs for the elderly, supplemental security income, and medicare and medicaid programs. How will these people be able to survive?

I cannot support the termination of a program that provides self-sufficiency to individuals that have worked long and hard all of their lives—and continue to work—only to find that their "Golden Years" have turned to dross, and that they must swallow their pride, lose their independence, and turn to welfare in order to survive. this is a sad commentary for a nation such as ours, and I will not be a part of this action.

SENATE RESOLUTION 341—ORIGINAL RESOLUTION AUTHORIZING THE PRINTING OF A COMMITTEE PRINT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 341

Resolved, That there be printed for the use of the Committee on Foreign Relations two thousand five hundred copies of the fifth revised edition of its committee print entitled "Background Information on the Committee on Foreign Relations, United States Senate".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION

Mr. HUMPHREY. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Energy Regulation. On Monday, April 19, the subcommittee will hold a hearing on S. 1885, a bill to amend the Federal Power Act and the Public Utility Regulatory Policies Act of 1978 to place electric utilities, incuding members of registered holding company systems, on the same basis as nonutilities with respect to encouraging their investment in cogeneration and small power production facilities and for other purposes. This hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

On Monday, April 26, the subcommittee will hold an oversight hearing on the programs under the Office of the Federal Inspector for the Alaska Natural Gas Transportation System, the Economic Regulatory Administration, and the Federal Energy Regulatory Commission. This hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Regulation, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding these hearings, contact Ms. Marilyn Burkhardt or Mr. Howard Useem of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Monday, March 15, at 9 a.m. to hold a hearing to discuss S. 2036, the CETA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, March 16, at 9 a.m. to hold a hearing to discuss S. 2036, the CETA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 17, at 9 a.m. to hold a hearing to discuss S. 2036, the CETA reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 18, at 9 a.m. to hold a hearing to discuss S. 2036, the CETA reauthorization bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Labor and Human Resources Committee, be authorized to hold a joint hearing with the House Subcommittee on Employment Opportunities, of the House Committee on Education and Labor, at 9 a.m. on Monday, March 15, to discuss employment training programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TOWER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, March 15, at 2 p.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL LAW

Mr. TOWER. Mr. President, I ask unanimous consent that the Criminal Law Subcommittee, of the Judiciary Committee, be authorized to meet during the session of the Senate at 2 p.m. on Tuesday, March 16, to hold a hearing on S. 751, S. 101, and S. 1995, dealing with the exclusionary rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, March 15, at 2 p.m., to hold an oversight hearing on the Department of Energy research and development programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUSINESS SUPPORT FOR LOWERING FEDERAL DEFICITS

● Mr. DOMENICI. Mr. President, as I suppose everyone in the Senate is aware, the prospect of Federal deficits in the range of $100 billion per year or more over the next several years has generated considerable concern on the part of economists, financial market analysts, business leaders, and the general public, as well as here in Congress. The basic concern is that the prospect of unprecedented Federal deficits will cause interest rates to remain at such high levels that the needed economic recovery will simply not occur.

I would like to call to the attention of my collegues two advertisements that appeared recently in national newspapers. In both of these advertisements, business leaders expressed clearly their concerns about the prospective deficits and their effects on interest rates. The first advertisement to appear was by the Mobil Corp. It was printed in the February 25 New York Times as well as in other newspapers. Mobil calls for revising the Presi-

dent's budget and summarizes its views as follows:

It is not unusual to adjust timetables as a result of changed economic forecasts without abandoning the long-term achievement of these objectives. Surely, interest rates, unemployment, and the recession have changed the outlook from the time when the President's timetable was first announced. It is both possible and, in view of the projected deficit, desirable to adjust the timetables and the rates of expenditures and tax collections in a way that would significantly reduce the deficit and strengthen the economy, but at the same time maintain the long-term objectives.

The Mobil advertisement specifically endorses postponement of scheduled tax reductions and slower growth in defense.

I want to make clear that by calling attention to these advertisements, I am not endorsing everything in them. I want especially to disassociate myself from one part of the Mobil ad. I do not endorse the notion of immediate decontrol of natural gas, coupled with a heavy tax on that industry, both of which are favored by Mobil.

The second advertisement that I want to discuss briefly is the "open letter" to the President and Members of Congress from leaders in the fields of banking, savings and loans, home builders, and realtors, which was printed in the March 3 Washington Post. Again, let me quote a portion of this ad:

Prolonged high interest rates are creating an economic and financial crisis in this country. In order to bring interest rates down, immediate action must be taken to reduce massive federal budget deficits. More than anything else, it is the spectre of an overwhelming volume of deficit financing which haunts housing and financial markets and poses the threat of economic and finanical conditions not seen since the 1930s.

Given these circumstances, there is no alternative to: (1) slowing down all spending, not excluding defense and entitlement programs; and, if necessary, (2) deferring previously enacted tax reductions or increasing taxes. In order to have the necessary impact on financial markets, these actions should be taken prior to any increase in the ceiling on the federal debt.

I commend the sponsors of both of these items for expressing their views on the budgetary situation the Nation faces. Their statements of concern and their recommendations for action should be considered by all of us in Congress as we deal with the crucial budget decisions that we will be making in the next few weeks.

Mr. President, I insert the complete text of both advertisements in the RECORD.

The material follows:

[From the New York Times, Feb. 25, 1982]

REFOCUSING THE DEBATE

Along with most of the American public, we have been following the current debate over President Reagan's proposed federal budget and the impact and implications of a projected deficit in excess of $90 billion. With a desire to be constructive, we would suggest a change in the focus of that debate.

(A second debate is taking place regarding the propriety and equity of many of the non-defense budget items. Lower interest rates and accelerated economic growth will benefit all, including those adversely affected by these changes. Nevertheless, it may well be that some adjustments will be needed; this can be done without disturbing the integrity of the budget.)

There seems to be reasonable agreement regarding four objectives.

First, that it is desirable to reduce income taxes for individuals and corporations.

Second, that the United States needs to regularly and proportionately strengthen its defense capability.

Third, while it may not be as wholeheartedly accepted as the above two propositions, we think there is majority support amongst the public and economic analysts in favor of a free market energy system.

Fourth, that the current budget deficit in excess of $90 billion needs to be reduced because it contains the seeds for renewed excessive inflation, retarded economic growth, and continued high interest rates.

With substantial majority support for these four concepts, the debate should now focus on the narrower issues of whether current timetables for tax cuts, defense expenditures, and energy/price deregulation can be modified in order to reduce the projected deficit.

It is not unusual to adjust timetables as a result of changed economic forecasts without abandoning the long-term achievement of these objectives. Surely, interest rates, unemployment, and the recession have changed the outlook from the time when the President's timetable was first announced. It is both possible and, in view of the projected deficit, desirable to adjust the timetables and the rates of expenditures and tax collections in a way that would significantly reduce the deficit and strengthen the economy, but at the same time maintain the long-term objectives.

These adjustments would set the stage for eventual achievement of the objectives we all seek. Specifically, we would suggest the following:

1. That the tax rate reductions for individuals and perhaps corporations scheduled to take effect this year be postponed to not earlier than January 1, 1983, thereby causing 1982 income to be treated as it was in 1981.

2. That the extent of increased defense expenditures for this fiscal year be reduced. Increased defense expenditures on a year-by-year basis are desirable and should be at a level in excess of inflation to insure a continuing net improvement in our defense capability. With that criteria in mind, we would suggest that the proposed increases in defense expenditures in the current fiscal year, while perhaps desirable from a defense point of view, are simply too large in terms of the projected deficit. Our conclusion is that defense expenditures should be reduced to a level below that projected but in excess of projected 1982 inflation.

3. That all price controls on natural gas be phased out and part of the revenue used to reduce the deficit. We understand and accept the view that the immediate decontrol of natural gas could also have a counterproductive impact on the general economy. Indeed, we have always believed that phased decontrol of natural gas would probably be preferable. This is consistent with our earlier views (as far back as 1975) in favor of phased rather than immediate decontrol of crude oil because of its possible adverse impact on the economy (a view which made us rather unpopular with some of our friends in the oil industry). Again, we are not suggesting that the objective of free market pricing of natural gas should be delayed for one day longer than necessary. What ought to be debated is a timetable for achieving that objective.

In our view, natural gas pricing and taxation should contain these ingredients:

First, gas yet to be discovered should not carry any price control mechanism nor any special excise tax which would operate as a disincentive to find such resources.

Second, gas currently flowing and under price controls should have such price controls phased out, perhaps over a 36-month period.

Third, a special excise tax, not to exceed 50%, should be enacted on the difference between the controlled price of current production and the decontrolled price, with such tax taking effect at each step of phased decontrol. (This feature probably will also not make us popular with some of our friends in the oil industry.) This tax would contribute substantial new revenues to help close the budget deficit.

Clearly, the impact caused by decontrol of natural gas is minimized when, as is now the case, more than adequate supplies of crude oil are yielding declines in the price of petroleum products.

In summary, what we are proposing is a rededication to the objectives of lower taxes, a stronger military, a strengthened free market, and a program which would bring lower interest rates.

At the same time, we are suggesting that the timetables and levels of expenditures and tax collections be reviewed in light of a projected budget deficit and interest rates which could jeopardize the achievement of these objectives and cause politicians interested in short-term gain to propose programs that would set back the achievement of these objectives for many years.

We hope that these suggestions will be viewed in a constructive light.

[From the Washington Post, Mar. 3, 1982]

AN OPEN LETTER TO PRESIDENT REAGAN AND MEMBERS OF CONGRESS: MARCH 3, 1982

Prolonged high interest rates are creating an economic and financial crisis in this country. In order to bring interest rates down, immediate action must be taken to reduce massive federal budget deficits. More than anything else, it is the spectre of an overwhelming volume of deficit financing which haunts housing and financial markets and poses the threat of economic and financial conditions not seen since the 1930s.

Given these circumstances, there is no alternative to: (1) slowing down all spending, not excluding defense and entitlement programs; and, if necessary, (2) deferring previously enacted tax reductions or increasing taxes. In order to have the necessary impact on financial markets, these actions should be taken prior to any increase in the ceiling on the federal debt.

Even with these actions, the restoration of financial stability and safety will be a prolonged process. It is necessary, therefore, to adopt immediate but temporary measures to address the critical problems of the industries which finance, market and produce housing for American families. These indus-

tries have unfairly borne the brunt of destructively high interest rates. Unless immediate and effective short-run measures are adopted, the continued devastation of these industries will, directly and indirectly, aggravate the federal budget deficit and greatly increase the prospect of a general economic and financial crisis.

In times of past crises in this nation, our political leaders have come together in a bipartisan manner to develop effective solutions in the common interest. Our nation is at such a time now. There will be no political winners if the Administration and the Congress fail to accommodate differences and cooperate in dealing with current serious economic problems. The threat to our nation demands prompt, effective and bipartisan action.

Llewellyn Jenkins, President, American Bankers Association: James F. Aylward, President, Mortgage Bankers Association; Fred Napolitano, President, National Association of Home Builders; Robert R. Masterton, Chairman, National Association of Mutual Savings Banks; Julio S. Laguarta, President, National Association of Realtors; Roy G. Green, Chairman, U.S. League of Savings Associations

Joint Statement of: American Bankers Association, Mortgage Bankers Association of America, National Association of Home Builders, National Association of Mutual Savings Banks, National Association of Realtors, U.S. League of Savings Associations.

NEW YORK CITY STUDENTS WIN TOP THREE PRIZES IN NATIONAL SCIENCE COMPETITION

● Mr. MOYNIHAN. Mr. President, it is with great enthusiasm, and more than a bit of awe, that I rise to congratulate three New York City students for receiving the top prizes in the annual Westinghouse science talent search—the most prestigious competition in the Nation for teenage scientists. I am pleased to announce to my colleagues that 16-year-old Reena Beth Gordon of Midwood High School won first place for her project on mathematics and linguistics. Ronald M. Kantor of Riverdale County School won second place for his study of nuclear fusion, and Ogan Gurel of Stuyvesant High School received third place for his experiment in computer programing.

I hope that these awards mark only the beginning of the contributions of these young scientists to the field of science—and indeed the world. The frontier is boundless and the pursuit vital. Mr. President, I ask that yesterday's New York Times article honoring the Westinghouse science talent search winners be printed in the RECORD.

The article follows:

[From the New York Times, Mar. 2, 1982]

CITY'S STUDENTS WIN TOP 3 PRIZES IN A NATIONAL SCIENCE COMPETITION

(Special to the New York Times)

WASHINGTON, March 1.—New York City students won the top three prizes today in the annual Westinghouse Science Talent Search, one of the most prestigious competitions in the nation for teen-age scientists.

Reena Beth Gordon of Brooklyn, who worked eight months on an experiment involving mathematics and linguistics, was awarded the first-place $12,000 scholarship. Miss Gordon, 16 years old, is a senior at Midwood High School in Brooklyn.

Ronald M. Kantor, 17, of the Riverdale Country School in the Bronx, won the second-place $10,000 scholarship for a study of nuclear fusion, and Ogan Gurel, a 17-year-old student at Stuyvesant High School in Manhattan, won the third-place scholarship of $10,000 for an experiment in computer programming.

In her project for the contest, Miss Gordon developed a mathematical model to explain how people contend with ambiguities of the English language.

She said in an interview that her linguistic research merged with her interest in mathematics and English. "I've always been fascinated with symbols, whether in math, language or music," she said.

Miss Gordon, who is ranked at the top of a class of 555 at Midwood, is an accomplished classical pianist and speaks Hebrew fluently. She said that, despite her success today, she was not committed to science as a lifework.

"Science isn't my only interest," she said. "I took a course in law last year and really liked it. Just don't tell that to the judges here."

If she were to continue with science, Miss Gordon would be following a well-established pattern of success. Since 1972, Nobel Prizes have been awarded to five former winners of the Westinghouse program. The contest is conducted by a nonprofit organization, Science Service, for Westinghouse Electric Corporation, the sponsor.

The 40 national finalists were honored tonight with a dinner at the Mayflower Hotel in Washington, where $74,500 in scholarships was divided among the 10 winners. The other 30 each received $500 cash awards.

Fifteen of the finalists were from New York State; six won scholarships. The other New York winners were Noam David Elkies, 15, a student at Stuyvesant High School, eighth place; Saechin Kim of Long Island City, ninth place, and Lynne Page Snyder of Smithtown, L.I., 10th place. Each received a $5,000 scholarship.

The finalists exhibited their projects at the National Academy of Science over the weekend. Winners were selected after the finalists completed three days of interviews with a a panel of eight jurors, all of them prominent scientists, one a psychiatrist.

Miss Snyder, a senior at Smithtown High School West, who did biochemistry research at the State University of New York at Stony Brook, illustrates the dedication, some say obsession, of many of the Westinghouse competitors.

When Miss Snyder's family moved to Rhode Island last year, she remained on Long Island, certain she would not be able to find suitable facilities in New England for the blood-cell studies that today won her a scholarship.

"I stayed," she said, "because I just couldn't see giving up an opportunity like this." She now lives with family friends and commutes three hours most weekdays between Smithtown and the lab at Stony Brook.

The domination of the Science Talent Search by New York State students was a popular topic of conversation this year, as it has been in most the 41 years the contest has been held.

Judges and competitors alike agreed that New York's science-oriented high schools and its numerous research laboratories provided New Yorkers with an advantage.

Robert Henderson, a Westinghouse spokesman, said New York teachers were known to encourage their best students to begin preparing for the contest, known in scientific circles as the "Nobel Farm Club," years in advance.

Five of this year's finalists attend Stuyvesant High School, two the Bronx High School of Science.

Other winners in the contest were Helen Elaine Getto, 17, of Chicago, fourth, a $7,500 scholarship; Theron W. Stanford, 17, of San Marino, Calif., fifth, $7,500; Mitchell Tsai, 15, of Kent, Ohio, sixth, $7,500; Niels P. Mayer, 17, of Corona Del Mar, Calif., seventh, $5,000.●

COCAINE—BIG BUSINESS

● Mrs. HAWKINS. Mr. President, as chairman of the Senate Drug Enforcement Caucus, I would like to share with my colleagues a thought-provoking article by Dorothy Gilliam on the severe health hazards of cocaine.

It is vital that the Federal Government focus its efforts to address this Nation's crippling drug-abuse problems. The billions of dollars in illegal drugs entering this country pose a grave threat to our health, to our economy, and to virtually every aspect of our daily lives. During the past year, illegal narcotics profits exceeded revenues from new-auto sales.

The National Narcotics Intelligence Consumers Committee of DEA estimated that sales of cocaine increased by over $8 billion in 1980, from $24.2 billion to $32.2 billion. The time has come when we must literally declare war on drug smugglers. Our children, our local enforcement agencies, and our economy, need our help now.

Mr. President, I ask that this article in the Washington Post, March 13, 1982, by Dorothy Gilliam, be printed into the RECORD.

The article follows:

BIG BUSINESS

So cocaine is just another recreational drug, all right for snorting on social occasions, no riskier than drinking scotch or smoking cigarettes. It's no big thing—as common at Hollywood and New York parties as munching smoked almonds and pumpernickel sticks, common enough to be used by an estimated 40 to 75 percent of the players in the National Basketball Association. And since all these people have the dough to afford it, it's nobody's business but their own, right?

The popular wisdom is that cocaine use is exclusive and "indoor," without the distasteful images of heroin—the dirty alleys and scary "shooting galleries." Hurray, high-living America. You've got a new "drug of choice."

Tell that to the folks who're mourning John Belushi, the talented comedian who died this week from an overdose of heroin laced with cocaine. He was 33.

Tell it to comedian Richard Pryor. He became a living torch in 1980 when ether he was mixing with cocaine—called "free base" in "recreational circles—exploded in his face.

Tell it to comedian George Carlin, and let him tell you what he told Playboy magazine about his own cocaine use, which started as something recreational and bloomed into a full-fledged "incredible abuse".

"I never knew or cared [about the money he spent]. Of course, it was a lot. A fortune. But when I hear people tell exactly how much they spend on coke, I think . . . they care more about the money than the drug . . . In terms of coke, the only money I ever thought about was that dollar bill I had stuck up my nose."

But those are television and film stars, you say; their life style has aways been different from ours. The hype about cocaine has reached close to home—not just at parties in Georgetown and McLean, but east of the Potomac River, east of Rock Creek Park, where some of the gullible try to ape the high-living "trend-setters."

A Washington mother of two I talked with at Second Genesis, a drug rehabilitation center says, "I was giving my sister a birthday party. I went in the kitchen and I saw this man and woman. I didn't really know them—they were snorting and told me to try it, it's fun. So I tried it and they were right—the music started sounding better. I felt a numbness, a cool tingling feeling all over." She started snorting regularly, selling drugs to support her habit. She was impressed with the company she kept.

"We used to go out partyin'. We used to meet doctors and lawyers who snorted coke. Another guy was a teacher. He had a nice apartment but after about a year of snorting coke, he didn't have anything—he couldn't work anymore."

Don't tell law enforcement officials in Florida about cocaine. They already know. Cocaine has put three South Florida cities—Miami, Fort Lauderdale and West Palm Beach—among the FBI's list of the 10 most crime-ridden cities. Cocaine has helped earn Miami a dubious distinction as the murder capital of the nation.

Dade County officials can tell you about cocaine. Seventy percent of all marijuana and cocaine imported into the U.S. passes through south Florida. More than 2,350 pounds of cocaine worth $5.8 billion were seized there last year. About nine times that amount is estimated to get through the net.

Down there, the struggle for cocaine profits has pushed terrified residents indoors, seeking protection from the random danger created by gun-slinging drug dealers.

But then cocaine is business—big business, both here and abroad. The Bolivian economy, for instance, virtually runs on cocadollars, with what one diplomat has called a "narcokleptocracy" of military, government and drug traffickers taking in a fortune from the sale of cocaine and other contraband.

The answer will not come from other countries, but from this one, which must come up with a realistic antinarcotics policy that includes subsidizing a new crop to replace the economic need for coca in South America. It needs a public education policy because there are still so many mistaken beliefs about cocaine, still so much ignorance about its long-term effects.

The best policy, of course, would be to strike at the cause of this illness and not the symptom, to get rid of the conditions that lead to cocaine and other kinds of drug and alcohol abuse. But nobody wants to talk about that. It's out of style. It's not cost-effective. And besides, cocaine is such good business.●

NATIONAL EASTER SEAL SOCIETY WORK CENTERS

● Mr. WEICKER. Mr. President, several years ago the National Easter Seal Society deleted the words "for crippled children and adults" from its corporate name as a demonstration of its awareness that we need to celebrate the independence—not the dependence—of disabled Americans. The National Society urged its affiliates to act similarly and many have.

Now the society, through action of its board of directors on February 13, 1982 adopted a motion:

That the Easter Seal Societies shall hereinafter utilize the designation "work centers" when referring to the vocational rehabilitation facilities formerly referred to as "sheltered workshops." Other organizations, groups, governmental units, and clubs are hereby encouraged to adopt such language.

Adoption of the motion, Mr. President, reinforces the commitment of the Easter Seal Society to recognizing ability and the potential for growth of all disabled Americans.

I congratulate the society, its officers and staff, particularly Mrs. Tom Cook, Jr., president; Mr. John Garrison, executive director and Mr. Norman Grunewald, program specialist for their leadership in this new Easter Seal policy and I encourage public and private organizations providing vocational rehabilitation services to consider the term "work centers" as a preferable alternative to "sheltered workshops."

I can assure you, Mr. President, that when the Vocational Rehabilitation Act is considered for reauthorization, I will call my colleagues' attention to this matter.●

FATHER HEALY ON "THE NEW RIGHTEOUSNESS AND THE UNIVERSITY"

● Mr. KENNEDY. Mr. President, on January 16, Father Timothy O. Healy, president of Georgetown University, published an article in America magazine. Father Healy's message, entitled "The New Righteousness and the University," is a powerful and moving statement.

It reminds us of the qualities of generosity and compassion which have always characterized America at its best, and which are threatened by the rancor and intolerance of the new righteousness. Father Healy has given us an eloquent reminder not only of the positive mission of the university but of the values which must continue to be nourished and promoted in these times. I enclose the article at this point in the RECORD.

The article follows:

THE NEW RIGHTEOUSNESS AND THE UNIVERSITY

(By Timothy S. Healy)

Universities are mirrors to the civilizations which they serve and, at times, their echo chambers. Sometimes, line for line and scar for scar, they throw back a face that is appallingly accurate. Serious and hard working students reflect a weak market, a shaky economy and enough distress among nations to put anyone's nerves on edge. Universities can also echo the noises in the world around them, magnifying them, distorting them, sometimes deepening them. The hurt of the Vietnam War resounded nowhere more than in universities and not only because they housed most of its intended victims.

Standing face to face across the campus gates, society and universities care for each other and watch each other closely. The university knows that its life and rhythms and structures depend upon this republic in which it lives. Society too knows that universities are the keepers and shapers of its future in the minds, the imaginations and the hearts of the nation's young.

For this reason its particularly disturbing to watch currents run through America that are hostile to everything for which universities stand. Let me disclaim at once any overt or veiled reference to political parties, individual administrations or individual religious movements. These are the epiphenomena of movement and change, and reflect rather than lead a nation's mood. There is a new souring of our spirit that is deeper, more far reaching, and more threatening. It is a "new righteousness," to echo at least one of the names it wears in public. By its very nature it denies two graces which have always marked America, generosity and compassion. The signs of it are in every day's press. The sovereign state of Texas, awash in oil, cannot face the cost of educating 11,000 children of illegal immigrants. A welfare mother in Miami is shouted down because she must beg in Spanish. We blithely accept unemployment rates among black youngsters that triple or quadruple those among young whites. We have never built a wall to keep our own folk in, but have mounted a good watch to keep the stranger out. Much of our politics have sunk to single-issue campaigns and political assassination. Hatred and contempt that we once swept under the rug we now blandly proclaim from the roof tops. We divide rich and poor, black and white, immigrant and native, believer and unbeliever. Almost all the works of our new righteousness threaten universities and especially universities that still own a belief in God.

Most talk of universities footnotes the work of two men, the delightfully dactylic, John Henry Newman and Alfred North Whitehead. Newman calls the university "a seat of universal learning . . . an assemblage of learned men, zealous for their own sciences, and rivals of each other, . . . brought by familiar intercourse and for the sake of intellectual peace, to adjust together the claims and relations of their respective subjects of investigation. They learn to respect, to consult, to aid each other. Thus is created a pure and clear atmosphere of thought, which the student also breathes. . . . He apprehends the great outlines of knowledge, the principles on which it rests, the scale of its parts, its lights and its shades, its great points and its little."

Alfred North Whitehead tells us how that works when he says that universities keep

alive "the connection between knowledge and the zest of life, by uniting the young and the old in the imaginative consideration of learning. The university imparts information, but it imparts it imaginatively. . . . This atmosphere of exitement, arising from imaginative consideration, transforms knowledge. A fact is no longer a bare fact; it is invested with all its possibilities. It is no longer a burden on the memory; it is energizing as the poet of our dreams and the architect of our purposes."

Even now, many years after these words were written, they are still moving. No university in the land lives up to them in its every part, but all of us who live and work in one would still allow that the further we fall off from the ideal Newman and Whitehead set, the less well we serve ourselves, our students, society and the Lord God.

If we translate our new national mood into university terms, it urges upon our fellow citizens, and so upon those of us who teach, the distrust of reason which gross simplification involves. It opens our processes to rancor and intolerance and denies the diversity that makes us indeed universal. It overextends revelation, devalues secular reality and begets that high moral hatred which turns academic and public debate away from slow groping toward truth and toward the harsh clash of virtue and sin. This harshness makes life impossible in the university and, as the Jesuit poet Gerard Manley Hopkins tells us, "winds off her once skeined, stained, veined, variety . . . all on two spools; . . . right, wrong."

Universities live on complexity, Newman's comment that the university "educates the intellect to reason well in all matters" is at the heart and center of his own argument, as it is at the heart and center of a university's being. Faculty teach students now, but are fully conscious that they are teaching toward a future which neither teacher nor taught can fully map. The burden, however, of our teaching is the complicated reality of our world. Our business is knowledge, and knowledge comes in many layers and an almost infinite variety of detail. Anything that contracts our searching and teaching is deadly, even when the contracting force is belief. Narrowness has an inverse effect. One would think it would make a man "modest in his enunciations." But, to continue with Cardinal Newman, "too often it happens that in proportion to the narrowness of [a person's] knowledge is, not his distrust of it, but the deep hold it has upon him, his absolute conviction of his own conclusions, and his positiveness in maintaining them." Through all our history narrowed minds have been little help in man's long search for truth and bode ill for a great republic.

Newman says that university faculty members must learn to respect, to consult, to aid each other, so that they might "adjust together the claims and relations of their respective subjects of investigation." This discipline imposes upon us a tolerance of diversity, far greater than in the purely political world, far greater indeed than we find in our social lives. No matter how outlandish, how wrong headed, how far out, any honest research, it holds within it some bit of a complex truth, some opening toward the future, some grain of discovery from which we can all grow. For this reason universities are slow to condemn, even slower to exclude. Society laughs at our tolerance of eccentricity, the comic side of our conviction. The great historian, Oliver Pantin, was found one evening, squatted on the lawn of All Souls under an umbrella. When the bemused porter tapped him on the shoulder and said inquiringly, "Sir?" he responded, "Shh, I'm a mushroom." The porter's respect for a scholar's pretended vegetable status bore witness to Oxford's long thirst for every drop of truth that can be squeezed by the human mind out of the hard stuff of time.

We also respect diversity in our students, both as groups and as individuals. Georgetown students differ in color, in social caste and in talent to mirror the nation's young, in a distribution as fair and as open as we can make it. Differences pale before the complexity of a student's mind. Watching young people grow, sometimes by leaps and bounds, is a heady wine for any teacher. In Whitehead's imaginative pursuit of knowledge," a faculty's learning, experience and fatigue welcome the energy and imagination of each student for the light these youthful qualities bring to bear on knowledge. The high ground at any university is this talk and touch between student and faculty.

Catholic universities such as Georgetown, Notre Dame and Fairfield have kept in touch with their religious base and thus add to the secular work and being of the university a religious thrust as well. Complexity for us is the infinite variety to be found in the mind of God as mirrored in creation. We reach toward Him darkly as through a glass in the present but know that He waits for us in the future which the young carry on their shoulders. A sacramental universe is no easier to decode than a secular one. In like manner, we too can bear diversity out of a deep Catholic instinct. The church in all its history has never accepted the dichotomy "either-or," but has always labored for the far more satisfying "both-and."

The late Father John Courtney Murray, said that Catholic universities "live on the borderline where the church meets the world and the world meets the church." He added that it is our job "to interpret the church to the world and the world to the church" and went on to remark that since the "borderline is ever shifting . . . our first task is to locate it."

The Second Vatican Council also urges respect for the honor and beauty of the secular world: "If by the autonomy of earthly affairs we mean that created things and societies themselves enjoy their own laws and values which must be gradually deciphered, put to use and regulated by men, then it is entirely right to demand autonomy . . . not merely as required by modern man, but harmonized also with the will of the Creator. By the very circumstances of their having been created, all things are endowed with their own stability, truth, goodness, proper laws and order. Man must respect these as he isolates them by the appropriate methods of the individual sciences or arts." Because we understand the sacred, we are even more bound to respect the secular. The best of our teaching echoes Hamlet's, "Do not o'er step the modesty of nature."

The new righteousness falls into this delicate university balance with all the subtlety of a hurled brick. It threatens everything for which we stand, even the agreements that make our standing possible. It rises out of something we know well: fright at the discovery that there are limits to American power. Americans are angry, restless, and not a little frightened because our easy assumption of power, our confidence in growth, our safety at home and our missionary zeal abroad are all shaken. We now face a challenged power, a slowing of growth, awkward questioning of all our institutions and for the first time in our history we look out on an implacable foe. We hear "the lion roaring round, searching whom he shall devour," and we are afraid.

The fears of the newly righteous are understandable, their response is not. The grotesque mockery of their instrument, television, twists our politics out of shape and debases our speech. A new gospel bids us let the will stand for reason; we are urged to show moral strength against our mind's ambiguities and so slice through the Gordian knots of economics, politics and foreign policy. Universities that know that there are no simple answers even to simple problems, watch parts of our society huddle around new prophets who preach an old heresey, the denial of human reason.

In fact, more than reason is denied. Jewish and Christian revelation has been strained and stretched to solve national and international problems, rearmament, Taiwan, the Panama Canal, which have never fallen within its reach and never should. Denying secular institutions their own laws, attacking their ambiguity from the high clarity of theology is useless and misleading. Whether the theocrat be John Calvin in Geneva, Fra Savonarola in Florence, Julius II in full battle armor or the wretched and murderous Ayatollah, pieties are a poor exchange for statecraft and a worse one for scholarship. Single issue politics are bad enough when they speak with the voice of time, far worse when they wrap themselves like animated tamales in moral righteousness and scriptural tags.

When we let our politics grind down to single issues, we argue not about truth and falsehood but about right and wrong; we declare that those who differ from us are not in error but are evil. This belief begets hatred of an emotional intensity not new in our history, but which has never in that history been other than destructive. Nothing America wants to last was ever built by Klansmen, or Know-Nothings or any of our less organized spreaders of bigotry and hatred. These brands of righteousness have little to do with serious moral or intellectual stands. Moses smashing the tablets or Christ cleansing the temple acted out of religious anger. But neither Moses nor Jesus ever dealt in hatred of a group, a people, a belief, or a man. Whether it comes wrapped in a white sheet or the Bible, hatred is still a denial of learning and love.

At this moment in our history the voice of hatred rings with a peculiar irony. Here the view from Washington is helpful. The civility and gentleness of our President and his grasp of the decency and respect upon which all democratic politics rest may make sure that our Government survives a bout of national rancor. Universities are more fragile. Academic civility works within walls that are paper thin; high emotion and, above all, hatred can wreck them. If universities are mirrors of society, we are also at times its echo chamber. Violence and personal hatreds put "rancors in the vessel of our peace" which choke us. We know whereof we speak because we remember Vietnam. No institution in American life was more hurt and weakened by the emotions that conflict let loose than our universities. There are still among us thousands of faculty members who were young then and hurt then; who were told the studies to which they have given their lives were irrelevant and meaningless; who learned from those they taught to doubt themselves; who must

now recover a lost faith at a time which seems unpropitious.

It is easy for those of us within the university to cast blame, to call the new righteousness frightening and sterile, but no discussion of it can be complete without acknowledging our part in begetting the monster that now slouches toward us. Gradually, after World War II, as our tribe flourished and our numbers increased, universities became victims of a kind of scientism that destroyed much of our moral and ethical reflection. We are therefore at least partially responsible for creating the vacuum, into which the newly righteous rush. In our secondary education we have become, as a learned critic remarks, "increasingly instrumental, technicist, adversarial, and officially value-neutral, all the result of good intentions gone awry, and an uncritical faith in what schools can do to solve social ills."

In higher education we translate this into even more grotesque terms. We reduce learning to a purely cognitive work which would shock Newman and Whitehead. We are far too preoccupied with what works rather than with what matters. Our capacity for swallowing the impossible helps us declare ourselves "value-neutral." In many instances, all four undergraduate years are seen only as propaedeutic to serious professional studies that steer students into the grim business of earning a living. The imaginative, the contemplative, the symbolic, we comfortably ignore.

We allow little or no place in our curricula for the study of ethics, for the young to debate with us questions of right and wrong, for the long study of man's destiny and dignity. Without such teaching, it grows increasingly difficult to make democracy work or life liveable. Such a learning process obviously does not rely on any kind of indoctrination. This clearly does not work. We can, however, create opportunity, space and time in which to work over the great questions which man has pondered since he began. Whether we seek for answers in Hamlet or Kierkegaard, the "Aeneid" or "The Federalist Papers," in Anthony Hecht or in Sophocles, doesn't much matter. Instead we turn out generation after generation of technically prepared young minds, ready for professional studies and hungry to achieve. If our silence, our cherished "value-free" atmosphere, renders them moral and ethical illiterates, we have cut their futures off at the knees. Among us we may have built the house of glass that invites the bcoby's stone. America's universities share in this nation's strengths but also share in its weaknesses. Universities must now own to sowing at least some of what the nation itself reaps.

The new righteousness may indeed serve all of us well. For all its meanness and its many distortions, it may awaken on university campuses the all too frequently forgotten moral and ethical dimension of "the imaginative contemplation of learning." You will forgive a Jesuit saying that, if enemies are at times our best claim to fame, they can as well be our shrewdest teachers. We in universities must defend our house against foes which for the moment seem largely unopposed in the society around us. We might also, in that defense, get our own ethical rudders deeper into the water, and our moral compasses realigned. We fight against simplification, hatred and bad theology and defend diversity and compassion not only to keep our ancient and indeed invaluable institutions alive, but also to shelter America's future and all the changes it will bring. It has been a long time since university faculties congratulated themselves on being "imperial spirits who rule the present from the past." There has never yet gone by a day when we have not known ourselves to be keepers of the future. From what I see of our students, that future is worth fighting for.●

CONGRESSIONAL OVERSIGHT: FEDERAL DEBARMENT AND SUSPENSION PROCEDURES

● Mr. LEVIN. Mr. President, 2 years ago the Subcommittee on Oversight of Government Management, on which I am Ranking Minority Member, and Senator COHEN is chairman, commenced an investigation into Federal debarment and suspension procedures. This investigation stemmed from our discovery of improprieties in the performance of certain contracts awarded by a local housing authority in New Orleans, La., using Federal funds provided by the Department of Housing and Urban Development (HUD). The inquiry gradually developed into a full-scale investigation into Federal debarment and suspension procedures—administrative procedures designed to protect Federal agencies from fraudulent or otherwise irresponsible contractors.

This administrative remedy is a discretionary Executive agency administrative procedure used to protect the integrity of the Federal procurement process by prohibiting the award of additional contracts to firms known or suspected to have defrauded the Government, or performed poorly on Government contracts.

Mr. President, after 1 full year of investigation, the subcommittee held 2 days of hearings on Federal debarment and suspension procedures in March 1981. These hearings and a subsequent subcommittee report disclosed three disturbing facts about Federal debarment and suspension efforts:

First. Many agencies do not take the necessary action to debar or suspend contractors they know or suspect to be fraudulent or irresponsible;

Second. When one agency does act to debar or suspend, the information on that debarment or suspension is not always promptly or adequately communicated to other agencies so that they can take appropriate action to protect themselves;

Third. Even though other agencies know of one agency's suspension or debarment of a firm, they often fail to honor it.

Mr. President, we have been talking more and more in recent years about the need to ferret out fraud and waste in Government programs. The debarment and suspension procedures are very effective tools for agencies to use to insure that Federal contracts are not routinely awarded to crooked contractors, so that the Federal Government is not repeatedly a victim of the same offense.

Our subcommittee investigation into Federal debarment and suspension efforts is not over. It has continued to this very day, and will continue until such time as Congress as a whole can see that agencies are effectively using debarment and suspension procedures. In fact, as a result of our intensive review of debarment and suspension procedures, legislation has been enacted, additional legislation has been proposed, and new Federal regulations are being adopted (later this month).

Consistent with our continued oversight efforts into debarment and suspension, last summer I became interested in a situation involving U.S. Army Corps of Engineers contracts for bank stabilization work along the lower Mississippi River. Mr. President, I would like to describe to you a very disturbing situation relative to these contracts that has prompted me to intensify my oversight efforts.

On Sepember 27, 1978, 16 companies, which regularly bid on and which almost exclusively perform the corps' river work on the lower Mississippi, were indicted by the Justice Department for bid rigging, mail fraud, and submission of false statements to the Government (United States against Anthony J. Bertucci Construction Co., Inc., et al). The bid rigging consisted of conspiracy among the companies to geographically divide the responsibility among the companies for corps contract proposals, such that one of the companies would always have a greater chance than other, nonindicted firms to come out as the low bidder for receipt of the contract award.

The Justice Department prosecuted these 16 companies both on criminal and civil charges. Fifteen companies were convicted on varying counts involving violations of the Sherman and Clayton Acts, mail fraud, and the submission of false statements. The 16th defendant company was dissolved as part of a plea arrangement. In the civil suit, the Government estimated its losses due to the bid rigging in just the 2-year period, 1974-76, at $11.9 million. Settlement agreements on these estimated losses were reached with all 15 companies totaling over $7 million.

Mr. President, as of July 28, 1981, none of the convicted companies had been debarred or suspended by the corps for further corps contracts. To my knowledge at that time, debarment and suspension proceedings against the firms had not even been considered by the corps. In fact, I discovered at that time that new contract awards totaling well over $250 million had been made to the companies since the date of indictment. Roughly $90 million had been awarded since the conviction of the companies.

According to long-standing Federal regulations, indictment for fraud against the Government clearly constitutes grounds for suspension of a company. Similarly, conviction for fraud provides a clear basis for debarment, the more severe of the two administrative actions.

Mr. President, in view of this questionable situation, which I just described, I brought this case to the attention of Deputy Defense Secretary Frank Carlucci at a hearing before the Senate Armed Services Committee on July 28, 1981. After advising Secretary Carlucci of these details, I told him that I found this situation to be "unbelievable." He agreed, and said that he found the situation to be "unbelievable" as well.

Following that hearing, I wrote to Defense Secretary Weinberger to ask whether or not debarment or suspension proceedings against any of the fifteen firms had been or was being considered. In a subsequent response, the Army advised me that it was still considering debarment of the firms, but that it had not completed review of "supplemental debarment reports" being compiled and transmitted to headquarters by corps field offices.

In an October 19, 1981 press release in which I announced my findings relative to the Army's response, I stated that,

I see no solid, justifiable reason for not going through an administrative procedure—suspension or debarment—with respect to these companies . . .

Such procedures have been upheld by the courts as providing adequate due process to firms being considered for debarment or suspension, and I have repeatedly emphasized the need for agencies to prudently follow appropriate procedures in all cases.

As of August 19, 1981, the corps was in active consideration of debarment of the firms, and pending the final debarment decision directed all corps field offices to withhold contract awards whenever one of the convicted companies appeared as low bidder on a competitive corps solicitation.

That directive, and a particular contract for dredging work in Hawaii, prompted several legal actions that culminated with a February 26, 1982 decision and judgment in the U.S. district court in the District of Columbia. The contract in question is known as the "Barber's Point" project, valued at approximately $50 million. One of the convicted firms, Peter Kiewit Sons' Co., Inc., was low bidder on a competitive solicitation for the Barber's Point project in the fall of 1981, after the August 19 corps directive.

Because of the conviction and possible debarment of Kiewit, the contracting officer determined Kiewit to be nonresponsible for the Barber's Point contract award, and decided to award the contract to the second lowest bidder on the contract. As a result of this decision, Kiewit filed in the U.S. district court here in Washington for a temporary restraining order against the award to the second lowest bidder.

Kiewit claimed as a part of its case that there had been undue congressional interference, referring to my request of Deputy Secretary Carlucci before the Senate Armed Services Committee, and my subsequent letters to the Defense Department concerning this issue. Presiding Judge Charles Richey accepted Kiewit's arguments, and in his February 26, 1982 decision on this case, found that the corps had been unduly influenced by congressional interest in this case, that there was no apparent evidence of bid rigging in the instant procurement, and ordered that—

Kiewit may not lawfully be denied the award of the Barber's Point contract or any other contract, where unwarranted reactions to congressional criticism have overturned the original discretionary judgment of the procuring agency that Kiewit is responsible and poses no threat to the United States . . .

Judge Richey's opinion mistakenly presupposes two facts—one, that the corps had initially decided that Kiewit was a responsible bidder on the Barber's Point contract and two, that congressional contacts on the subject caused the corps to reverse its opinion. My review of the events in this matter does not lead to the same conclusion.

While it is true that the contracting officer on the Barber's Point contract initially found Kiewit to be a responsible bidder, his superiors at the time were pursuing possible debarment of the company. When he was informed of that fact, he reevaluated the bid and found Kiewit to be nonresponsible. Thus, the agency as a whole cannot be said to have foung Kiewit to be responsible, since the contracting officer acted initially without all the relevant facts. Moreover, the decision that Kiewit was nonresponsible was not made because of my interest in the issue. The decision to debar or suspend Kiewit had been an open question within the corps for some time.

Judge Richey's opinion also reflects a lack of understanding of the purpose for the debarment and suspension process. It is not intended as a punishment. It is designed to protect the Government. Once the Government has been injured by a contractor, that injury should logically be used as a factor in predicting future conduct. Judge Richey suggests that the various activities of a company should be isolated and what happens on one contract cannot and should not be used to judge performance on a subsequent contract. I wholeheartedly disagree and can only observe that such an opinion ignores the experience of the Federal Government in this area.

But Judge Richey's opinion in this case disturbs me greatly for two other reasons. One is the chilling effect the decision could have on the aggressiveness of agencies to pursue future debarment and suspension proceedings and two is the adverse impact this decision could have on future congressional oversight efforts.

With respect to the first concern, it is clear from our hearings that agencies are already slow to use the debarment and suspension tools as legitimate administrative steps toward protecting the integrity of the Federal procurement process from allegedly irresponsible contractors. In fact, we found through a survey of 31 Federal agencies that 10 agencies did not have administrative procedures for debarment or suspension, though such procedures could have been established under the authority of the Federal procurement regulations. This decision will discourage these agencies from making greater use of these tools where appropriate.

Also greatly disturbing is the second concern. Judge Richey's decision could jeopardize legitimate congressional oversight of agencies' use of debarment and suspension.

Mr. President, when I was appointed chairman of the Subcommittee on Oversight of Government Management in 1979, I was given certain responsibilities and authority. The responsibilities included a directive to assess the adequacy and effectiveness of Government programs and regulations. Despite the fact that I am no longer chairman, but ranking minority member, the responsibilities given me at that time still hold true.

I am not about to let dicta in a court decision usurp my responsibilities as an elected official. I have been charged to oversee Government programs, and I will continue to do just that.

Judge Richey's decision should not be allowed to impact congressional oversight and agencies' future use of debarment and suspension. From a review of transcripts of the trial before Judge Richey that led to his recent decision, I am already convinced that he is not fully aware of the intensive congressional and agency interest in the use of debarment and suspension, nor of pending legislation affecting debarment and suspension procedures that requires continued oversight of agencies' use of these administrative remedies. I question whether Judge Richey even understands the importance of debarment and suspension or of the practical, independent application of such procedures by executive agencies.

Mr. President, it is even clear from the transcript that Judge Richey's decision was based in large part on a quote from a newspaper article that did not accurately reflect a statement that I had made. Judge Richey's find-

ings of fact quoted me as saying, based, believe it or not, on a newspaper article, that I saw—

. . . no solid, justifiable reason why the river bank companies should not be debarred,

When, in fact, my statement read:

I see no solid, justifiable reason for not going through an administrative procedure—suspension or debarment—with respect to these companies . . .

It is the effective application of these procedures that I have continued to stress upon the Army corps. I have not advocated that certain companies should be debarred. I advocated that procedures be followed. The decision on debarment falls totally within the corps' purview.

In short, Judge Richey's decision is wrong.

Mr. President, the importance of effective congressional oversight cannot be overstated. In the words of the Honorable John E. Moss, the distinguished former Congressman who served the House of Representatives for 26 years and who paved the way toward more effective modern oversight in his position as chairman of the House Subcommittee on Oversight and Investigations:

. . . If savings in Government are to be realized, oversight is the key. If administration of Government is to be improved, oversight is the key. If services to our citizens are to be enhanced, oversight is again the key . . .

These words have held true for many years, and will continue to provide inspiration to Congress to insure effective implementation of our laws.

Mr. President, our primary function in Congress is to enact laws where necessary. Inextricably linked to that function is the responsibility to see to it that the laws are carried out by Executive agencies. That is the purpose of oversight, Judge Richey to the contrary notwithstanding.

Mr. President, the Justice Department and the corps, through appeal, have the ability to try to reverse the potentially adverse impacts of Judge Richey's decision. If the Justice Department and the corps let Judge Richey's order stand, his decision may tend to chill the exercise of oversight responsibility. I hope the decision is appealed. I also hope that the Congress will not allow this decision to intimidate future oversight efforts.

CENTENNIAL CELEBRATION OF THE GENEVA CONVENTIONS

● Mr. KENNEDY. Mr. President, last week the American Red Cross and the American University's Washington College of Law sponsored a conference on international humanitarian law marking the 100th anniversary of the United States signing the first of four Geneva Conventions—the first effort to establish laws governing armed conflict.

Addressing the opening session of the conference was Alexandre Hay, President of the International Committee of the Red Cross in Geneva.

His speech reminds us of the important role the United States has played in the development of international humanitarian law. It also tells us of the continuing challenges we and others in the international community face in carrying forth the objectives of the first Geneva Conventions in light of modern warfare.

Mr. President, I commend Mr. Hay's speech to the attention of the Senate and I ask that it be printed in the RECORD with a report on the conference at American University.

The material follows:

INTERNATIONAL PARLEY SLATED ON HUMANITARIAN LAW AT AU

WASHINGTON, D.C.—A conference on international humanitarian law, which will commemorate the 100th anniversary of the U.S. signing of the first of four Geneva Conventions, convenes here Thursday, March 11.

During the two-day session at the American University's Washington College of Law, professors of international law, political science and international relations, military lawyers and judges will discuss the application of international humanitarian law to contemporary problems related to international and internal armed conflicts.

This unique conference is being sponsored by the American Red Cross and the Washington College of Law. It will begin with a ceremony presided over by Secretary of State Alexander Haig, Jr., at the U.S. State Department.

The actual program begins in the afternoon at AU's New Lecture Hall adjacent to the law school. Opening remarks will be made by Dr. Jerome H. Holland, chairman of the American Red Cross; Judge Thomas Buergenthal, Dean and Professor of Law at the law school; and Alexandre Hay, president of the International Committee of the Red Cross, Geneva, Switzerland.

Among subjects scheduled for discussion are:

Interstate Armed Conflicts and Wars of National Liberation with commentators from Nigeria, Switzerland and Israel.

Civilian Immunity and the Principle of Distinction, which addresses the Christmas bombing of Hanoi, guerrilla combatants and prisoner of war status.

Non-International Armed Conflicts with case studies of El Salvador, Afghanistan, Kampuchea and Lebanon.

The United States acceded to the 1864 Geneva Convention in March 1882. The U.S. ratified the Geneva Conventions of 1949 in 1955. At the present time, 146 countries have ratified or acceded to the 1949 Conventions. Protocols to the Conventions were added in 1977.

The guardian of the Conventions and the Protocols is the International Committee of the Red Cross composed of 25 Swiss citizens. The committee serves as a neutral intermediary in time of conflict to protect victims of war in accordance with the Conventions and Protocols.

ADDRESS BY PRESIDENT HAY AT THE CENTENNIAL CEREMONY OF THE GENEVA CONVENTION

The United States was one of the pioneers in international humanitarian law. During the War of Secession, President Lincoln called upon an American legal expert of Prussian origin, Francis Lieber, to draw up a code of behaviour for American armies in the field. That code was issued in 1863 and immediately applied by the armies of the North, attenuating by its humanity the effects of that fratricidal war.

When the 1864 Geneva Convention had established the first provision of the Red Cross law in favour of the wounded and sick of armies in the field, the precepts which Lieber included in his famous "Instructions for the Government of the Armies of the United States in the Field", were of momentous consequence. It was indeed on the basis of those precepts that the application of the Geneva Convention was demanded in civil war. One of the principles laid down by Lieber was that the rules of humanity applicable to prisoners taken in war between nations should be applied even to rebels.

But the United States was not only a precursor of international humanitarian law. It set an example also in action, in a spirit akin to that which was later to characterize the Red Cross Societies.

In fact, three years before the first European national relief committees were in their infancy after the International Committee had been arousing all Europe to set up such committees pursuant to the 1863 Conference's recommendations, the American people had already founded a form of National Society, the well-known "United States Sanitary Commission".

The admirable manner in which that civilian commission carried out its work alongside the medical services of the army of the North, succouring the victims of the War of Seccession with inestimable dedication, modern methods and extraordinary efficiency, served for a long time as a model for others. In this way the United States contributed to overcoming one of the prejudices held by many military men in Europe who considered that the provision of relief on the battlefield by civilians was fanciful. And while the members of the commission carefully examined the best of what Europe had devised to provide relief in conflict, the Sanitary Commission's excellent brochures, based on experience and conveying its own technical discoveries, was the admiration of the International Committee. It was for that reason that Dr. Maunoir, a member of the International Committee, in his praise of the work accomplished by the United States Sanitary Commission, said that there was then only one idea in the law of war and the rules of humane behaviour which Europe could teach the United States, namely the neutralization of the medical personnel. This proposition was, in fact, the basis of the convening of the international conference in August of 1864.

And yet, despite its prior achievements, it took the United States 18 years to accede officially to the Geneva Convention. Clara Barton, one of your great country's heroines, whose name is never to be forgotten, was won over to the Red Cross principles from the outset. She was the founder and first president of the American Red Cross and she dedicated all the strength of her conviction to persuading the government to streamline the bureaucratic process which was delaying the country's accession to the Convention.

On 16 March 1882, one century ago, your Senate voted unanimously for accession. How delighted the International Committee was to receive from Clara Barton her telegram saying simply "Treaty signed"!

This was a breakthrough after which the United States went steadfastly forward in adopting the Geneva treaties. It ratified the 1906 Convention in February 1907, the two 1929 Conventions in 1932, and those of 1949 in 1955.

A look back into history may help us to understand the present but will not invite us to rest. Indeed, since 1882, resort to war has multiplied, methods of waging war have radically changed and today's weaponry surpasses any imagination. How shall the Geneva law cope with that challenge?

It is the purpose of the two Protocols additional to the 1949 Geneva Conventions, which were adopted in 1977 in Geneva, "to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application" (in the words of the Preamble to Protocol I). The Protocols are part of the answer to the challenge of our time which I just mentioned.

More than a hundred government delegations participated in the four sessions of the Diplomatic Conference convened by Switzerland and among them of course, the delegation of your government, under the very able direction of Ambassador Aldrich. The mere fact that on the 10 June 1977, 102 heads of delegation signed the Final Act, in an atmosphere of relief and, we dare to say, of joy, has been called a miracle, in view of the complexities of the issues. None of those who participated will forget the struggle to strike a balance between the interest of the civilian population and other victims of war who have to be spared, on the one hand, and the interests of governments responsible for the security of their citizens and for the defense of their country, on the other.

I shall not go into a detailed analysis of the two texts—your advisors are more qualified to do that than I am. Let me just mention the following points:

Protocol I, on international armed conflicts, makes significant contributions to international humanitarian law in two directions. First, it improves substantially the protection of the civilian population against the effects of warfare and secondly, it opens international humanitarian law to the world of today, achieving thereby a more universal dimension for a law which used to be regarded as an expression of mainly European traditions and values. And that aspect has been understood: a clear majority of the countries which have ratified the Protocols up to now are from the Third World.

What Protocol I has to say about safeguarding civilians, and keeping them out of hostilities, is however not entirely new; much of it is indeed a codification and updating of universally accepted customary law. It is therefore hardly a surprise that most of these provisions are to be found in existing military manuals. I understand that in this respect Protocol I does not add substantial novelties to what is already part of the law of your country and its armed forces.

I need not underline how urgent it is, politically speaking, to define clearly the content and limits of the civilian's immunity and to enforce its respect. We have witnessed too many wars fought without the respect due to the civilian population, where too many wounds created unsurmountable obstacles to achieving peace even once weapons were silent.

Other provisions of Protocol I respond as well to very strongly felt humanitarian concerns, such as the immunity given to medical aircraft or the new rules which facilitate the searching and keeping of records for those missing in action and the protection of the remains of the dead. And Protocol II improves the level of protection in non-international armed conflicts in a substantial degree.

Of all those issues, and of some others, your Government's delegation at the Diplomatic Conference expressed praise, in particular in its final statement after the adoption of the Protocols. It is therefore my hope that your Government will soon ratify these humanitarian instruments in whose negotiation your Government played a leading role.

Although I think I have already made my case I want to add these two remarks:

Your Government is involved in talks on the global balance of power and—implicitly—on the future of mankind. Much of the responsibility is on your own shoulders. It is my opinion that the ratification of the 1977 Protocols should be dealt with outside that framework. They have no effect on the balance of forces in the world. I am sure, however, that the adoption of these legal instruments with purely humanitarian purposes will make for confidence-building which might facilitate talks on the global issues.

Finally, I want you to know what my delegates regularly report from their talks in a great number of countries, of all political shades: for those countries the United States' attitude plays an important part in their own evaluation of the ratification issue. Many eyes are upon you—also in this respect.

The world is torn by conflicts of every kind and violence knows no bounds . . . humanitarian law and principles are therefore all the more important and we look to the USA to lead in ensuring that they are respected everywhere with vigor and determination.●

FAREWELL TO A VOYAGEUR

● Mr. DURENBERGER. Mr. President, last month Minnesota and the country lost a great environmentalist, Sigurd Olson. Sig's contributions will be recognized for generations to come.

Those contributions go far beyond his ardent defense of the wilderness. Part of Sig's genius was his ability to make nature come alive for everyone. As his close colleague Chuck Dayton said about Sig:

Sigurd Olson knew that only people who truly love the land are willing to fight for it, and that his sharing of that love helped to give others the will and commitment to become activists.

Mr. President, I would like to share Chuck's thoughts on Sigurd Olson and I ask that they be printed in the RECORD.

The material follows:

FAREWELL TO A VOYAGEUR

(By Charles K. Dayton)

Sigurd Olson: the very name conjures up visions—the North Woods, the heavy silence of the winter, flickering campfirelight on a leathery face, the long cry of the loon at sunset, a lone canoe slipping silently through the mist.

His lyrical pictures of the beauty of the North Country expressed the feelings of those fortunate enough to have been there and made it live for others who had not. But Sigurd Olson went far beyond nature's beauty, in order to seek its meaning for man's spirit, and therein lies his greatness.

His experiences as a guide, a naturalist and a teacher had filled him with a great love which demanded release and expression.

"As time went on there was a certain fullness within me, more than mere pleasure or memory, a sort of welling up of powerful emotions that somehow must be used and directed. And so began a groping for a way of satisfying the urge to do something with what I had felt and seen, a medium of expression beyond teaching, not only of students, but of those who had been my companions in the wilderness, some medium, I hoped, that would give life and substance to thoughts and memories, a way of recapturing and sharing again the experiences that were mine."

In a flash of insight, he knew—he must write.

"Suddenly the whole purpose of my roaming was clear to me, the miles of paddling and portaging, the years of listening, watching, and studying. I would capture it all, campsites and vistas down wild waterways, the crashing waves of storms and the roar of rapids, sparkling mornings to the calling of the loons, sunsets and evenings, whitethroats and thrushes making music, nights when the milky way was close enough to touch. I would remember laughter and the good feeling after a long portage, and friendships on the trail.

"The little raft of ducks floating out in the open were caught that very instant in a single ray of light, and as the somber brown hills were brushed with it, the glow was around and within me. Then the sun dropped behind a cloud and the hills were dark as before, the ducks black spots against the water.

"But for a time, I saw them as they were in the glow, and knew nothing could ever be the same again."

The editors of his earliest stories wanted only simple descriptions of adventure in the woods, and they slashed away "bits of philosophy or personal conviction." Finally, the editors accepted an article with a philosophical tone, and encouraged him in his belief that the sense of awe and mystery that he felt for the wild, his belief that man can sense the meaning of life from the timeless cycles of nature, should be expressed.

"There was one exception, an article entitled 'Search for the Wild,' in which I quoted the statement of Thoreau beginning 'We need the tonic of wildness,' and a criticism by John Burroughs in which he said, 'Thoreau went to nature as an oracle, questioning her as a naturalist and poet and yet there was always a question in his mind * * * a search for something he did not find.'

"To me this was a challenge, and convinced that the lifetime search of Thoreau had been fruitful and what he sought and found in the woods and fields around Concord, Walden Pond, and the Merrimack River was what we all seek when we go into the bush, I tried to prove that the never ending search for the essence of the wild was the underlying motive of all trips and expeditions.

"I had dared speak of my deepest convictions, and for once there were no deletions. The first real encouragement I had ever had, it convinced me there was a field for this kind of writing."

He viewed nature as an oracle!; nature speaking to man of the wonders of the uni-

verse. That is why he describes his peak experiences in the metaphors of sound, and urges us to "listen" also to "the singing wilderness," "the Pipes of Pan," "the music of the spheres."

"I have listened to it on misty migration nights when the dark has been alive with the high calling of birds, in rapids when the air was full of their rushing thunder, at dawn with the mists moving out of the bays, and on cold winter nights when the stars seemed close enough to touch. The music can be heard in the soft guttering of an open fire or in the beat of rain on a tent, and sometimes long afterward, like an echo out of the past, you know it is there in some quiet place, or while doing a simple task out of doors. * * *

"After years of searching I found a place of my own and called it Listening Point, because only when one comes to listen, only when one is aware and still, can things be seen and heard. It would speak to me of silence and solitude, of belonging and wonder and beauty. Though only a glaciated spit of rock on an island-dotted lake with twisted pines and caribou moss, I knew it would grow into my life and the lives of all who shared it with me. However small a part of the vastness reaching far to the Arctic, from it I could survey the whole, hear the singing of the wilderness, and catch perhaps the music of the spheres.

What is this music of which he writes? Perhaps, like a symphony, it cannot be captured completely on paper, but must be experienced to be understood. Notes on a page can tell us something of the music, and Sig's words can convey beautifully his sense of the wholeness (and holiness) of all nature. But if we are to hear the singing, we must ourselves go out, be still, and listen.

And what did he learn from a lifetime of listening? Did he find the answer? Did he find God?

He found that a sense of man's place in the universe, and an understanding of the evolution of a human consciousness capable of knowledge and appreciation of beauty, is iteself sufficient.

For centuries, the searching has gone on for a God who is simple and understandable, one who can be incorporated into our lives naturally. How much better to feel the presence of godliness around and within us than to conjecture vainly as to exactly what form He should take. We shall never really know what God is, any more than the meaning of the Word.

Man's only goal, that of human destiny, is the evolution of his mind to the point where he, and mankind as a whole, becomes aware of love, beauty, and truth. This is the emergent God, and if man works toward it constantly in his outlook, thoughts, and actions, he may become Godlike. * * *

"The great challenge is to build a base of knowledge and understanding of such depth, clarity, and power that it cannot be ignored, and never forget that the stature of man and the development of his culture has increased because of beauty, mystery, and vision, not through ugliness, warped and twisted psychosis. Only when we know what a balanced ecology really means can we live in harmony; only when we know intuitively that such values are more important than all others will we restore our flagging spirits. * * *

"At last I am beginning to believe I am part of all this life and to know how I evolved from the primal dust to a creature capable of seeing beauty. This is compensation enough. No one can ever take this dream away; it will be with me until the day I have seen my last sunset, and listened for a final time to the wind whispering through the pines."

As a guide, he knew the magical effect that a wilderness experience can have, particularly upon city folk, burdened by schedules and deadlines. He soon learned the importance of living by "the timeclock of the wilderness where days are governed by daylight and dark * * *" and having the flexibility to explore or just pick berries when you feel like it.

"With this kind of freedom tension and strain disappeared and laughter came easily. Men who hadn't sung a note for years would suddenly burst into song, and at such times I always thought of Buck and his feeling that loafing and having fun was more important than fishing. When one recalls the ages men lived as other creatures with no dependence on set routines, it is not surprising that once the pattern has been broken, men react strongly. No wonder when they return even for a short time to the ancient system to which they are really attuned, they know release."

More importantly, he knew that wilderness must be preserved for the human spirit.

"I sincerely believe if we can somehow retain places where we can always sense the mystery of the unknown, we will find strength and beauty. In this day of strife, floundering economies, threat of war and more war, we have need of the philosophy our forebears accepted."

When snowmobiles were first banned in the BWCA in 1975, a disgruntled snowmobiler derided the environmentalists' efforts, complaining, "They think the Boundary Waters is the Holy Land!" For Sigurd Olson and many others, it is a sacred place, where foreign sounds are heresy.

"Wilderness should be sacred and quiet, just as the Indians felt in designating certain places as spirit lands where no one talked. I have written about the Kawashaway River country of "no place between," where the Indians always traveled quietly and spoke only in whispers.* * *

"Where is joy in finding new campsites, a place no one has camped before, where the rocks have not been moved since they were dropped by the great glacier ten thousand years before, rocks unscuffed by human feet and covered with lichens and mosses of many hues. In such a haven there are no scars or ax marks, no indications of use by others. To me they are holy and sacred and must not be disturbed, and I am careful to step softly around patches of caribou moss so as not to crunch the brittle growth with a careless step, for one has the feeling there of being part of the primeval.* * *

"There were special places of deep silence, one a camp on a small island above the Pictured Rocks on Crooked Lake, a rocky, glaciated point looking toward the north, a high cliff on one side balanced by a mass of dark timber on the other. Each night we sat there looking down the waterway, listening to the loons filling the darkening narrows with wild reverberating music, but it was when they stopped that the quiet descended, an all-pervading stillness that absorbed all the sounds that had ever been. No one spoke. We sat there so removed from the rest of the world and with such a sense of complete remoteness that any sound would have been a sacrilege."

His joy in the natural world extended to the pleasure of hard physical work, and he gloried in it, for it provided a link with primitive man as well as his beloved voyageurs.

"I watched a couple of canoes beating their way across the open reaches of the lake. The boys in them were singing and I caught snatches of their song. Stripped to the waist, they were using their brawn to keep the slender craft from getting out of line in the gale. Traveling by primitive means, I knew within them the long inheritance of a nomadic ancestry was surging through their minds and bodies, bringing back the joy of movement and travel, adrenalin pouring into their veins, giving courage to muscles being strained to the utmost. If I had been close enough, I might have heard the laughter in their song, seen the glad light in their eyes. They were at home, doing what men had done for uncounted centuries!"

That work of paddling was for him an essential part of the wholeness that wilderness travelers sense.

"During the day, you are part of the waves, judging them, coasting down the long slopes between, only to climb to the top of another and then do it over again, until you are completely drained of energy. Somehow the mind is washed clean, and when it is over the cleanness continues until you crawl into your bag for hours of dreamless sleep."

His sense of ecology, and the unity of all things, grew slowly but unerringly. In the early days, he saw the slash and burn logging, and the poisoning of wolves. He sensed the wrong, but made little fuss then. Gradually, as his formal scientific training combined with his deepening sense of the importance of wilderness, every fiber of his being became imbued with the belief that nothing is more important than wilderness preservation.

"One summer I had the good fortune to spend several months with a scientific expedition studying the Quetico-Superior and its various creatures in relation to their habitat. It was then I first caught the meaning of ecology as a concept, and as I look back, one thing stands out, its impact as a basic understanding. More than knowledge, it was deeply involved with my own attitude and emotional reaction to the wilderness. A visceral sort of thing beyond mind and factual information, it was an inherent feeling that went down into that vast primordial well of consciousness, the source of man's original sense of oneness with all creation, a perspective reinforced with logic and reason, cause and effect, and scientific method."

And so he joined the great battle to preserve the remaining wilderness of northern Minnesota and southern Ontario, the Quetico-Superior. Born in 1899, his birthdays nearly coincided with the numerical years of the century, and the history of the struggles for the northern wilderness is the story of much of his life. In the early twenties, and his early twenties, a great roadbuilding program was promoted in the name of resort development. No sooner had that scheme been squelched in 1926 than a huge dam project, which would have flooded the entire border country for power reservoirs, was promoted and finally stopped in 1934. Later, Sig wrote of a night during that period that he spent at Curtain Falls, which would have been flooded by the dam project.

"My next camp was another I cherished, a great rock overlooking a broad expanse toward the west. This was often my first stop heading out with a canoe party, and the last when I returned. The islands lay

like black silhouettes against the glow of sunset, the dusk was alive with the calling of loons. That night it seemed incredible that anyone would want to transform such a scene into kilowatts and profit, and I knew in my heart nothing was more important than saving it. Man needed beauty more than power, solitude more than dividends. I could hear the muted roar of the upper falls, sometimes clearly, then falling away, until it blended with the breathing of the trees above me. This too woud be stilled."

In the forties, Ely became the largest inland seaplane base on the continent, and resorts sprang up in the interior, even at Curtain Falls. Sig and others would paddle and portage for days seeking to escape the float planes, only to find the silence shattered by another engine. Finally, after the war ended, President Truman signed the executive order banning airplanes in 1948. Later, in the 1950s, many of the resorts in the roadless areas were closed down under the Thye-Blatnik Act.

The Wilderness Act of 1964 took seven years of debate and controversy, and Sig was a key part of that. He continued to be involved in the ongoing battles throughout the decade of the seventies in his seventies. In 1972, he was a witness in the lawsuit to stop logging in the BWCA. By the summer of 1974, the Forest Service had completed an environmental impact statement concerning logging, as had been required by the Court, and had announced its decision to continue logging the BWCA. Environmentalists realized that the time had come to ask Congress to amend the Wilderness Act to ban logging in this last large stand of virgin timber in the eastern half of the country. A national BWCA strategy session was held in Ely, and the "Green Mafia" was there including Washington lobbyists for the Sierra Club and the Wilderness Society, and representatives of all the major groups. About 25 disciples sat on the floor of the Old log cabin at Listening Point, at the feet of the wise old master. As he has many times, Sig stressed that if any of the battles to preserve wilderness had been lost, we simply would no longer have it. He said, "I have traveled all over this continent, but this Quetico-Superior country, with its countless glaciated lakes and interconnecting waterways is a gem, it's the best there is, there is no place on earth like it. It simply must be preserved."

Sigurd Olson knew that only people who truly love the land are willing to fight for it, and that his sharing of that love helped to give others the will and commitment to become activists. Such emotional commitment and love helped him to ignore the shouts and jeers of his lifelong Ely neighbors, who hung him in effigy at the 1977 Congressional hearing in Ely. That same year, speaking of love for the earth, he wrote prophetically:

"It is what gives environmentalists the strength to battle for the land they love, to take scorn and epithets in their stride, knowing they are fighting for something eternal; if they win, the world will be a more beautiful place in which to live. They have dedication and resolve, an inherent vision that will not accept defeat."

He died with his snowshoes on, and whether or not he had any notion that the end was near, his writings leave no doubt that it was a way of going that he would have approved. Of his friend, Blair Fraser, who died running a rapids, he wrote, "Blair went the way he wanted to go, with the sound of white water in his ears." Similarly, he wrote of an oldtimer he had known in Wisconsin:

"I want to die with my boots on," he told me once. 'I want to lay down under a pine tree when it's all over, someplace close to the river where I can hear the rapids and listen to the whitethroats. That's all I want.'

"Not long ago, when he was almost eighty, he did exactly that, and now lies buried where he wanted to be, beside the Namekagon he loved. After his passing I thought of Kahlil Gibran where he says, 'For life and death are one even as the river and sea are one and what is it to die but to stand naked in the wind and to melt into the sun and drink from the river of silence.' Jack had come home at least, had melted into the sun and drunk of the river of silence."

He believed that immortality is found in our memories of those we cannot forget.

"I am satisfied with a simpler solution, which brings more comfort and peace to me than old beliefs no matter how revered and ancient their origins may be: the memories of those I cannot forget, the joy they have given, and the impact they have had. Certainly they are gone physically and 'dust to dust' is no empty phrase, but the real truth in what they were and did lives on, each person leaving his own evidence of his time on earth. It is like a stone thrown into a calm pool, its ripples spreading wider and wider, possibly into infinity."

Such immortality is already his, and the banner he carried will be borne forward by present and future generations, in large measure because sigurd Olson had the spirit, the will, the ability, and the discipline to give expression to his bursting love for the wild. For many who knew him, or who have read his works, Sig's immortality will be most intense when one is sitting silently by a lake, perhaps in the last level rays of the sun he called the Ross light, listening for the haunting music of which he wrote. May the wilderness sing to us and to our children as it did to him "of silence and solitude, of belonging and wonder and beauty."

(Note: The quotations are from "Open Horizons," "Reflections from the North Country," and "Wilderness Days."

SUPPORT OF MITCHELL BILL TO AMEND ANTIDUMPING AND COUNTERVAILING DUTY LAWS

● Mr. CHAFEE. Mr. President, I am cosponsoring a bill introduced by Senator MITCHELL on March 11, 1982, which would amend the antidumping and countervailing duty laws in an effort to make the remedies provided under those laws more accessible to small and financially strained domestic firms, such as the fishing and jewelry industries.

Frequently, it is the smallest and most poorly organized industries in the manufacturing sector that are in greatest need of the relief provided under our antidumping and countervailing duty laws. Unfortunately, it is usually the rule rather than the exception that these small industries cannot afford to avail themselves of the remedies provided under these laws. For example, the legal costs associated with the filing and prosecution of an antidumping case can be as high as $1 million.

The bill introduced by Senator MITCHELL makes several important changes in the provisions of the Trade Agreements Act of 1979 which would eliminate some of the exorbitant costs involved in bringing a dumping or subsidies case. The bill would lower the injury standard to require "sufficient evidence of injury" rather than "reasonable indication of injury." This language is taken directly from the antidumping and subsidies codes that we negotiated during the Tokyo round of the multilateral trade negotiations. Thus, the amendment lowers the cost of bringing a case by lessening the burden of proof and yet keeps the legal standard for preliminary determinations in line with our obligations under the GATT. The bill also reduces litigation expense by transferring jurisdiction over final determinations and negative preliminary determinations from the Court of International Trade to the Court of Customs and Patent Appeals.

Finally, the bill improves the access of smaller industries to antidumping and countervailing duty remedies by establishing an Ombudsman Office in the Department of Commerce which would provide representation for qualified petitioners seeking relief.●

LEGAL SERVICES CORPORATION

● Mr. KENNEDY. Mr. President, on Thursday, February 25, the President announced his intent to nominate 10 individuals to the Legal Services Corporation's Board of Directors. The names of 9 of the 10 nominees were transmitted to the Senate on March 1. I am told that the name of the 10th nominee, Annie Laurie Slaughter, will soon be transmitted. The terms of all 11 members of the Board had expired by July 13, 1981. Although these individuals legally continued to serve as directors, the uncertain nature of their tenure made the situation a difficult one. I am pleased that the President has now seen fit to officially fill these positions. These positions are obviously of great importance to the effective operation of the Legal Services Corporation and the Corporation, in turn, is essential to insure that those in our country who cannot affort a lawyer do receive adequate legal representation.

At the present time, litigation is underway challenging the validity of the recess appointments made by the President last December to install the new members of the Board without going through the usual process of Senate confirmation. I would hope that prompt action by the Senate either approving or rejecting these nominations could alleviate the confusion and disruption caused to the directors and the Corporation by these legal uncertainties.

I am confident that my colleagues in the Senate will give careful scrutiny to each of these nominees, as we have done for all nominees to the Corporation's Board. I think that it is useful at this point to briefly discuss the criteria that have in the past been applied in the consideration of nominees to the Board. The Senate committee report accompanying the authorizing legislation stated:

In exercising its advice and consent function, the Senate will want to review the nominations on the basis of the following primary criteria: (1) a Board membership which is adequately representative of the organized bar, legal education, legal services attorneys, the client community, and organizations involved in the development of legal assistance for the poor; (2) the selection of persons who are committed to the Corporation's freedom from political control; (3) the assurance that the Board members understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation that is in the national interest that the poor have full access under law to comprehensive and effective legal services. (S. Rep. No. 93-145; 93d Cong., 1st Session, 10 (1973).)

The directors must recognize that the Corporation is dominated by neither the Congress nor the President nor the courts. But instead it must be responsive to the concerns and interests of all three.

Of the original nominees by President Ford to the Corporation, three were accused of failing to meet these criteria. Two withdrew their nominations and the third was rejected. The same standards must continue to be applied to the current nominees.

Before concluding, I would like to bring the Senate's attention to a recent issue of the New Yorker magazine which included an article by Elizabeth Drew on the Legal Services Corporation. The article by Ms. Drew is an excellent and incisive summary of the history of the Corporation, and a useful analysis as we prepare to consider these nominations. I submit this article for the RECORD.

A REPORTER AT LARGE: LEGAL SERVICES

(By Elizabeth Drew)

In 1974, Congress approved a bill, which had bipartisan backing, and which Richard Nixon signed into law, establishing a Legal Services Corporation to provide legal aid to the poor. The corporation evolved out of a program begun in the mid-nineteen-sixties by the Office of Economic Opportunity, which ran the old poverty program. The legal-services program helped poor people with such everyday matters as divorces, evictions, and repossessions, and also helped them obtain government benefits—Social Security, welfare payments, and the like—to which they were entitled. Sometimes it brought suits that resulted in a change in the policies of a government agency or of private interests. Inevitably, the program became controversial, taking on as it did governmental institutions and commercial interests, and handling as it did controversial issues and clients, and manned as it was by people who believed in the cause of helping the poor. One major figure in the early controversies was Ronald Reagan, then Governor of California. The idea behind placing the program in a congressionally created but theoretically independent corporation was to provide it with some protection from political buffeting. But since the government still funded the program, the politics and controversy followed the funding. Nevertheless, the program remained relatively secure through the Ford and Carter Administrations and enjoyed the support of the organized bar, including the American Bar Association. Since taking office, the Reagan Administration has been trying to abolish the program. Last year, it failed, and this year it is trying again. Along the way, it has used methods that are unusual and that some argue are illegal.

The theory behind the Legal Services program is that while legal help to the poor in civil matters has not been held to be constitutionally required, it is consonant with the principle of "equal justice under law." (In 1963, the Supreme Court held, in Gideon v. Wainwright, that the poor had a right to counsel in criminal cases and that the state was required to provide such assistance.) All the major Western European countries and Canada, Australia, and New Zealand provide legal services to the poor in civil matters. Moreover, while the private bar in this country had been providing pro-bono-publico work for a long time, it would not and could not meet the full range of the legal needs of the poor. Leaders of the anti-poverty movement in the nineteen-sixties reasoned that legal help should accompany the other services—health, education, job training, and so on—that were provided. In 1964, Sargent Shriver, then the head of the O.E.O., persuaded Lewis Powell, who was then president of the A.B.A. and is now a Supreme Court Justice, that there should be a government legal program, and the following year the A.B.A., not exactly a radical organization, reluctantly endorsed the idea. The A.B.A. backing gave the program an aura of respectability and some political protection.

The legal-services program, like other poverty-program projects, was to serve the poor by maintaining offices in their neighborhoods. A welfare mother, the theory went, might not find her way to a blue-ribbon Wall Street or Washington law firm, and if she did there might not be anyone on the premises who was familiar with welfare regulations. Private lawyers who did pro-bono work tended to be interested in the more glamorous issues. Existing legal-aid societies were underfunded and understaffed. In most rurual areas, there were no legal-aid lawyers, and in some there were no lawyers at all. Sometimes existing legal-aid lawyers and societies were disinclined to take on local commercial interests or government agencies. Most of the work done by Legal Services lawyers has to do with helping otherwise helpless people cope with landlords, finance companies, and government bureaucracies and with other matters, like divorces, for which lawyers are often required. Of the cases dealt with by the Legal Services Corporation in 1980, about thirty per cent had to do with family matters, eighteen per cent with housing, seventeen per cent with income maintenance, fourteen per cent with consumer problems, and the rest with a variety of other problems. The eligibility of clients is set at a maximum income level of about $5,400 for individuals and $10,600 for a family of four—the so-called poverty level. Last year, sixty-two hundred Legal Services lawyers, reaching every county in the country, handled one and a half million cases. Staff attorneys work full time and are paid an average annual salary of about seventeen thousand dollars. The Legal Services Corporation estimates that it is meeting only between fifteen and twenty per cent of the legal needs of the estimated thirty million poor people in the country. By far the largest number of the cases taken on by the Legal Services program have been settled by offering the clients advice, or by phone calls, persuasion, or negotiation. In recent years, only about fifteen per cent of the cases have gone to litigation. In some instances, the Legal Services lawyers have not taken things on a case-by-case basis but have brought class-action suits to obtain certain government benefits for certain groups of citizens or to stop certain kinds of government action. The Legal Services lawyers have won about eighty-five per cent of all the suits they have brought. The Legal Services Corporation says that in recent years class actions represented less than two-tenths of one per cent of its suits. Some cases, especially in the early days, were brought deliberately to reform welfare law. Among the program's early victories were decisions striking down residency requirements and man-in-the-house restrictions in several states, and decisions requiring a hearing before welfare benefits can be terminated; it won suits establishing tenants' rights, the rights of aliens, the right of poor people to have access to federally funded hospitals amd the right of debtors to due process before their wages can be garnisheed.

Inevitably, especially in the sixties, the program drew activists who believed in the then-fashionable cause of eradicating poverty. Inevitably, some of these people said and did things that irritated established powers and those who were not so committed to the cause—and things that either were off limits or represented questionable political judgments. Some of the program's vulnerability had been self-induced. All these things led to a history of antipathy to the program, and of anecdotal criticism designed to discredit it.

To a certain extent, dislike of the program paralleled dislike of its clientele; there has been a high correlation between those who object to its methods of obtaining delivery of government programs to its clients and those who object to the programs themselves. Confrontation with the government was unavoidable. The new programs' clients, being poor, were on Social Security, were on welfare, were receiving food stamps, were living in public housing. Every one of the programs was established under a federal law, carried out through federal regulations, and administered by a federal, state, or local agency. Frequently, then, the clients' problems were with a government agency, and the legal-services lawyers were frequently suing federal, state, or local officials.

One official who was most upset by the program in the late sixties was Governor Reagan. The California Rural Legal Assistance program, or C.R.L.A.—one of the O.E.O.-funded poverty programs in California—successfully brought cases to protect farm laborers (requiring them to be paid the minimum wage, prohibiting certain working conditions for women and children, and blocking the importation of cheap farm labor); it brought other actions to protect Spanish-speaking Californians; it brought about an expansion of federal food programs throughout the state; and it forced

the state to restore cuts totalling two hundred and ten million dollars in the California Medicaid program. The great bulk of the C.R.L.A.'s work did not involve either litigation or administrative hearings, and the great bulk of the administrative proceedings and court cases it did bring it won. In 1968, an O.E.O. advisory committee made up of leaders of the bar designated it "the outstanding legal services program of the year." In 1970, when the Nixon Administration was in office, its grant was renewed, and the O.E.O. called it "one of the best legal services programs in the nation." But the C.R.L.A. had angered California's growers and its Governor—who had called the C.R.L.A. lawyers "ideological ambulance chasers"—and shortly after the grant was renewed Reagan exercised a governor's right to veto the funding of a program in his state. The O.E.O., which had the authority to override a veto, appointed a panel of three state-support-court judges (each from a different state) to examine the charges against the program—a hundred and twenty-seven of them—drawn up by Reagan's state director of the O.E.O. The panel concluded that there was "no justification whatsoever for any finding of improper activities by C.R.L.A.," and that the charges brought by Reagan's state director "were totally irresponsible and without foundation." It recommended that the project be continued, and the O.E.O. agreed. These events were handled for Reagan by Edwin Meese, then his executive assistant and chief of staff. The state director, Lewis Uhler, who worked with Meese, was a former classmate of Meese's at college and law school, and also former state public-relations director of the John Birch Society. Uhler has said that when Meese brought him into the Governor's office to deal with the poverty program he asked him to focus particular attention on the legal-services program. After the judges issued their report and the project was refunded, Meese, at a news conference, said that Reagan had never wanted to end the program but had just wanted to change its direction. Meese also said that he had not read the judges' report, but that their findings were "quite immaterial."

The Reagan-C.R.L.A. episode and certain moves in Congress led a number of the program's supporters to search for ways to make it less politically vulnerable. The Nixon Administration, tired of being caught in the middle of fights over the program, was looking for a way out, and in 1971 Nixon introduced a bill to turn the program into an independent corporation. But Nixon and the Congress were unable to agree on the terms. After Nixon's reelection, in 1972, the Administration moved to break up the poverty program, distributing its components among Cabinet offices to bring them under closer political control. Howard Phillips, a young conservative and one of the founders of the Young Americans for Freedom, who had been an associate director of the O.E.O., was named "acting director" of the agency. Nixon did not submit Phillips' name to the Senate for confirmation. Actually, Phillips believed that the entire poverty program should be abolished, rather than dispersed, and was conducting his own battle to that end within the Nixon Administration. Phillips' appointment was later declared illegal by a federal judge, because it had never been submitted to Congress, and some of Phillips' actions were overturned. Phillips had set out to abolish the legal-services program in particular, and Vice-President Spiro Agnew had attacked it as "tax-funded social activism," but after receiving strong pressure from the A.B.A. Nixon again proposed a legal-services corporation. He signed the bill into law two weeks before he resigned from office, in 1974. In order to get the bill through Congress, its sponsors agreed to a number of restrictions on the activities of legal-services lawyers, including prohibitions on handling cases involving school-desegregation suits, "non-therapeutic" abortions, and draft evasion.

Placing the program under a supposedly independent corporation failed to insulate it from politics. There is a question whether a government-established corporation can be truly independent: a President appoints and the Senate confirms its board, and public funds are appropriated for it. There is also a question whether such an institution should be independent of the political process; in theory, every government agency is to be accountable to the executive or Congress, or both. A degree of independence can be sought—for a regulatory agency, for the Federal Reserve Board, for a government corporation—by having its members serve for fixed terms, but total independence cannot be guaranteed. The goose-gander theory applies here: the side that cries "political interference" with a certain agency is altogether likely to try to affect its course when the other side is in control.

The new Legal Services Corporation was immediately subjected to a dispute over appointments to its eleven-member board: three of President Ford's nominees came under fire from the program's defenders on the ground that they were not supporters of it. Two of those nominees withdrew. The third, sponsored by Governor Reagan, had been a critic of the idea of a corporation and an opponent of the C.R.L.A., and his nomination was not approved by the Senate committee. Finally, a board was established under the chairmanship of Roger C. Cramton, a traditional Republican and former official of the Nixon Justice Department and then dean of the Cornell Law School. Cramton emerged as a strong proponent and protector of the program.

Through the Ford and Carter years, the critics, including Phillips, did not let up. A number of conservatives, in Congress and out, simply argued that the government should not pay people money to sue the government. There was continuing objection to class actions. Cramton explains that class-action suits are an efficient way of avoiding litigation over the same issue again and again. It is a remedy that attorneys for private interests regularly employ. In enacting social-welfare statutes, Congress has often passed a law that established a right but was deliberately vague about how that right was to be obtained. A number of the class-action suits have been over the interpretation of what Congress intended. Critics of the program also dislike the fact that it funds what are referred to as backup centers, which specialize in the problems of particular groups—welfare recipients, tenants, the elderly, migrants, Indians, and so on. The centers train lawyers, handle appellate litigation, and keep the neighborhood lawyers (many of whom are young and inexperienced) apprised of what's going on in the field. What drives the critics of the program—Phillips in particular—crazy is that sometimes these centers, by notifying clients or an organization of clients (such as tenant groups or welfare-rights groups), will cause a suit to be brought. (Under the law, the Legal Services lawyers are permitted to represent not only individuals but also organizations composed of poor people). Phillips sees the centers as populated by "social activists" trying to reshape society, and Legal Services lawyers as stirring up cases. Dan Bradley, now the president of the Legal Services Corporation, replies that just as a Washington law firm will apprise its clients of a change in government policy that might affect them, Legal Services should do the same thing. He says, "What Phillips would prefer is that we wait until a client, who may be illiterate, reads about a new regulation in the Federal Register or the New York Times." Bradley says that if, for example, the Housing and Urban Development Department issues a new regulation that Legal Services lawyers believe is inconsonant with the law and will hurt the poor, they will notify clients, or a tenants' organization, and ask them if they want to bring suit. The welter of federal regulations is at least as nightmarish for the poor as it is for those better situated—many of whom are in a position to obtain legal help. (Legal expenses incurred by corporations are, of course, tax-deductible.)

Another criticism of the Legal Services program is that it is a manifestation of our excessively litigious, overlawyered society. The reply that is offered is that we may well be too litigious and overlawyered, but until other means of settling disputes are established the poor should have their chance. Another criticism has to do with lobbying activities by Legal Services lawyers. The law restricts the lobbying to representation of clients or to matters concerning the corporation itself. Defenders of the program say that the argument that Legal Services lawyers should not lobby is another attempt to prohibit lawyers for the poor from doing for their clients what other lawyers do for theirs. In fact, they argue, the statute governing the corporation requires Legal Services lawyers to follow the Canons of Ethics of the A.B.A.'s Model Code of Professional Responsibility, which state that a lawyer's duty is "to represent his client zealously within the bounds of the law," and also that "if a lawyer believes that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law." Steven Engelberg, a Washington attorney and Carter-appointed member of the Legal Services board, says, "It's outrageous to say that a lawyer representing a poor person or group of poor persons cannot use his or her skills before a legislature or a city, state, or federal agency. Lobbying is a traditional and well-organized aspect of lawyering. Not only do thousands of lawyers in Washington do it—I will find you lawyers in any city of the United States who do it. It's an essential aspect of private lawyering to represent clients before legislative and administrative bodies. Anyone who argues against it misunderstands the nature of the legal systems."

Cramton, while defending the program, says that there is a point to one criticism—that the program gives leverage in potential litigation to public-service lawyers in that they are not deterred by the cost of what they do. Another valid point, Cramton says, is that taxpayers' funds that support the program should be spent on politically neutral activities. He and a number of those trying to protect the Legal Services program say that there are certain things they wish had not been done, not because they were beyond the corporation's authority but be-

cause they are embarrassing. They point out, however, that the program is a prime example of local control, for local Legal Services boards set the priorities—under guidance from Washington to make sure that the statute is being adhered to—and that all complaints by members of Congress or local politicians are investigated by the national staff, and on occasion a local program is defunded. They also point out that of the million and a half cases Legal Services handles each year, a few are bound to be embarrassing.

Those embarrassments have been a specialty of Howard Phillips in his continuing crusade to end the Legal Services program. Phillips now heads the Conservative Caucus, which concentrates on rallying conservative grass-roots strength on certain issues, and, along with his New Right allies, such as Richard Viguerie, he has made opposition to Legal Services part of a drive to "defund the left." As this group sees it, the federal government is granting funds to organizations—Planned Parenthood, civil-rights organizations that have received money for job-training programs, and so on—that have liberal goals. Phillips says that the Legal Services program is devoted to social change, and that it "bypasses the electoral process by using federal funds to impact on the bureaucracy and the judiciary." He objects to a system of staff attorneys whose full-time occupation is to do such work. He says, "These people have a keen sense of justice; so do I. Our ideas differ. It angers me that I pay for it." Phillips' style—in testimony, conversation, debates, mailings, ads—is to spray anecdotal criticism (some of the anecdotes check out and some do not), misleading information, exaggeration, and guilt by association. For example, a full-page newspaper ad that Phillips ran last year asked, among other things, "Do you support the continued assignment of L.S.C. funds to recipient organizations which assign policy board authority to representatives of activist groups such as the American Civil Liberties Union, Welfare Rights, the National Lawyers Guild, the National Organization for Women, and the like?" In conversation, Phillips mentions the Lawyers Guild frequently, and points out that the director of the National Center for Immigrants' Rights, one of the backup centers, is a member of the Lawyers Guild. (The Lawyers Guild is an organization that has defended leftist causes. It came under attack during the McCarthy period for having some Communist members, but it was not put on the Attorney General's list of subversive organizations.)

Phillips' ad also asked—and the questions in the ad were incorporated in testimony he gave before Congress last year—"Do you believe the provision of federal funds for sex change operations and homosexual rights law suits are an appropriate priority in seeking aid to the poor?" Legal Services lawyers have in fact brought two suits on behalf of clients seeking Medicaid coverage for sex-change operations. One of the suits was won, and one was lost. The sex-change suits are among the things that supporters of the program find, if technically permissible, embarrassing. After repeated requests for examples of legal aid for suits establishing homosexual rights, Phillips' office came up with one case involving custody for a lesbian mother, one in which disability payments were won for a transsexual undergoing treatment and unable to work because of trauma, and an instance in which a Legal Services back-up center offered advice to the Veterans Administration on drawing up rules for denial of benefits to veterans discharged for homosexual acts. Bradley says that he knows of no instance in which Legal Services helped homosexuals obtain benefits and rights they had been denied because they were homosexuals, but that qualified homosexuals were given help with the same sorts of problems that others are helped with. In 1980, just to make sure, Congress prohibited "legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality."

Phillips frequently mentions that the organization has represented the Ku Klux Klan. The Legal Services Corporation says that the only example of this is that the Chattanooga program was appointed by the court to represent an indigent who is a member of the Klan in a civil suit alleging violation of the civil rights of two black plaintiffs. Phillips' ad asks, "Do you believe that pro-Castro activist groups like the Gray Panthers should receive taxpayer-subsidized assistance from L.S.C.-funded attorneys?" The Gray Panthers is an organization that lobbies for old people's rights and benefits. Phillips' characterization of the group as "pro-Castro" is apparently based on an announcement of a trip to Cuba that the group planned to sponsor in order to study Cuba's treatment of the elderly. A spokeswoman for the organization says that the trip never took place, for lack of enough interested people. Maggie Kuhn, the founder and leader of the Gray Panthers, was deemed respectable enough to attend the White House Conference on Aging late last year. A charge that Legal Services employees "participate in raising funds for the anti-American Castroite terrorists and guerrillas in El Salvador" thins out under questioning. Phillips' ads carry the following quotation from a National Public Radio broadcast last March: "Several hundred protesters gathered early outside the theater demonstrating against United States policies in El Salvador, against proposed cuts in Legal Services and funding for the arts and medical aid in welfare. They represented groups as diverse as the United Auto Workers, the Legal Aid Society, the Marxist-Leninists of New York, and the Yippies, who dressed in army fatigues and tutus." His ads also ask how conservative and A.B.A. (which supports the "left-wing Legal Services Corporation") really is, since it has supported legislation for federal and state financing of abortions for indigent women, ratification of the Equal Rights Amendment, decriminalization of sexual conduct between consenting adults, gun-control legislation, and the metric system.

Soon after the Reagan Administration took office last year, it recommended in its preliminary budget proposals for fiscal 1982 that Legal Services be among forty programs put into a block grant to the states and that its budget be cut by twenty-five percent. Legal Services supporters were alarmed, for they assmed that the states would be less than eager to continue the program, and that in being so dispersed it would be destroyed. Putting the program in a block grant would mean delivering it into the arms of government agencies it has opposed and making it compete with a large number of programs for which funds were growing scarcer. When the Administration's formal budget recommendation went to Capitol Hill in March, it included no funds at all for Legal Services. Legal Services supporters were relieved, because at least the issue was clarified: Reagan was trying to abolish the program. The A.B.A. and other supporters of the program rallied, and, after some struggle, Congress granted funds for the program but reduced the amount by twenty-five percent, from three hundred and twenty-one million dollars in two hundred and forty-one million.

Meanwhile, the program's statutory authority had run out. Three Republican members of the House Judiciary Committee—Tom Railsback, of Illinois, Caldwell Butler, of Virginia, and Harold Sawyer, of Michigan—called on Reagan to ask him to keep the program going. Meese, now the President's counselor, informed Congress that the President remained opposed to the corporation and that he himself would recommend that Reagan veto an extension of it. After several days of debate, the House, with bipartisan support, reauthorized it. However, some thirty new restrictions were attached. Among them were a total prohibition of class-action suits; tightened restrictions on abortion cases, lobbying, and help to aliens; and a provision prohibiting Legal Services lawyers from taking any case "to promote, defend or protect" homosexuality. There was much carrying on in the House debate about Legal Services' supposed help to homosexuals in obtaining their rights, but no examples were offered. A motion to fold the program into a block grant was rejected. In the Senate, which Republicans control, the Labor and Human Resources Committee approved a bill authorizing the program—two Republicans voting with the Democrats. The authorizing bill is pending on the Senate calendar, and the program has been maintained through funding under the "continuing resolution" by which a large number of federal programs are being continued and funded. Senator Jesse Helms, Republican of North Carolina, with whom Howard Phillips has worked closely on the issue, was one of the leaders in the fight against continuing the program. Helms called Legal Services "an outlaw program running wild."

Key Reagan officials made their opposition to the program clear last year. David Stockman, the director of the Office of Management and Budget, said on the CBS Evening News last April, "I don't believe there is any entitlement, any basic right to legal services or any other kinds of services." A week later, on "Meet the Press," Stockman mitigated this bit of candor by saying that the Administration wasn't proposing to abolish the Legal Services program—just to fund it differently. Meese, in an interview with U.S. News & World Report, said that the Administration was "very much in favor of providing legal services to everyone who is in need of them, regardless of their economic situation." The Administration just didn't feel that the Legal Services Corporation was the best way to go about this, he said, and the Administration was "talking about stimulating new programs to go beyond what the Legal Services Corporation has been willing to do and promote a greater involvement of the legal profession." He added, "We don't want money going for promotion of social causes." He went on, perhaps reminiscing a bit, "Frankly, there are real questions about whether it has been the best use of federal funds to sue the state."

Having failed to kill the Legal Services Corporation last year, the Reagan Administration next tried to take control of it, by taking over its board—and walked right into another bruising, and unnecessary, fight. The Administration was within its rights in

trying to take control of the corporation, but the manner in which it has chosen to do so raises a number of questions. As it happens, the terms of all eleven members of the corporation's board had expired by July of last year. Five members' terms had expired in July of 1980, and Carter had resubmitted their names, but Congress had not confirmed them before the election; the terms of the six other members expired last July. Under the law, the old board members serve until they are replaced. The Reagan Administration had at first decided not to name its own board, because it was planning to abolish the corporation—to nominate new board members at the same time would confuse the issue. Then, after it became clear that Congress would fund the program for another year (Phillips was extremely annoyed with Reagan for signing the continuing resolution that contained funding for the program), the Reagan White House scrambled to name board members before the year was out, in order to get new members in place before the corporation granted funds to its local projects for 1982. White House aides say they started on the nominations so late that they were not able to complete the "paperwork"—background checks, and the like—before Congress adjourned, on December 16th. Phillips, by his own account and that of his allies, worked virtually around the clock to persuade the White House to get the new appointments made by the end of the year. On December 30th, the White House named seven people to be given what are called recess appointments to the board. And on the next day, New Year's Eve, William Olson, one of the new appointees, whom the White House had designated acting chairman, suddenly called a meeting of the board for that afternoon. The Reagan appointees were now in the majority. Six board members were out of town and had to confer by telephone. Steven Engelberg, the only Carter appointee present, objected to the meeting on the grounds that it had not been called with the legally required notice and that the recess appointees were not authorized to act. The purpose of the meeting was to elect Olson chairman and to put a freeze on the new funding, pending a review of the contracts. One problem with this was that, as was customary, the projects for the next year had been approved earlier in December and funds for the first two months had already been sent out. Moreover, the corporation's statute says that once a project has been funded it cannot be cut off without due process. Olson says that whether these grants will be continued "is still to be resolved." Another problem is that the whole thing may have been illegal—or, at least, an abuse of the recess-appointment power. (Under the Constitution, an appointee named during a recess of the Senate may serve through the entire next session of Congress without being confirmed by the Senate.) According to this view, corporation board members are not, strictly speaking, government officials, because the statute establishing the corporation, in an attempt to guarantee it some independence, says that "officers and employees of the Corporation shall not be considered officers or employees, and the Corporation shall not be considered a department, agency, or instrumentality, of the Federal Government." Therefore, the argument goes, the authority to make recess appointments does not apply in the case of corporation board members. The old board members, headed by their chairman William McCalpin, a Republican and secretary of the A.B.A., are preparing a suit arguing that the Reagan Administration has violated both the statute and the Constitution. A regular board meeting is scheduled for March 5th, and a collision between the old board and the new appointees is possible. The point of the argument is not that Reagan cannot make his own appointments to the board but that he must do it in conformity with the law, and that it is illegal for board members who have not been confirmed by the Senate to start directing the program. (As it happens, Jimmy Carter made five recess appointments to the board in late 1977, but, some of the old board members argue, this took place under different circumstances. The nominations had been submitted to the Senate before it recessed, and were resubmitted shortly after it reconvened. Although the new members did attend a scheduled board meeting shortly before they were confirmed, the old board members argue that this was different from what the Reagan group did, because the Carter recess appointees had already been approved by a Senate committee, because the five were not in a position to take over the board, and because the existing board members raised no objections. Cramton, the Republican chairman at the time, says that there was no fuss about the meeting then because there was no question the nominees would be approved.) In January of this year, before Congress reconvened, the Reagan Administration announced three more recess appointments. One old board member, an unemployed woman who had been a client of the program—the law requires that the program's "clients" be represented on the board—was left in place temporarily. People in the Reagan White House tell me that they are planning to send the nominations to the Senate, but, even if they do, the legal question of whether the nominees can act before they have been confirmed remains. Once again, the Administration's confrontational style may bring it grief.

By making these moves suddenly on New Year's Eve—when they could be expected to get little press attention—the Reagan people handed the program's supporters an issue. They handed them another one in the appointments they made. There is a question whether some of the nominees would be confirmed. As it has done elsewhere, the Reagan Administration has moved to put people in charge of a program who are opposed to its purposes. Naming people who wish to adjust a program's direction is one thing; naming people whose mission may be to effectively end it is another. The legislative history of Legal Services states that Congress, in examining the merits of nominees to the board, is to be satisfied that they "understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation: that it is in the national interest that the poor have full access under law to comprehensive and effective legal service." Some of the Reagan appointments have already stirred controversy. Olson, a young conservative attorney, a former member of the Young Americans for Freedom, and an associate of Phillips' at the O.E.O., headed the Reagan transition team on Legal Services and, according to a number of reports, recommended that the program be abolished. Olson declines to comment on this, on the ground that the transition reports are confidential. The transition report itself recommended that the program be continued, with its funding and its role reduced. By far the most controversy has surrounded the name of Ronald Zumbrun, who was rumored last fall to be the Reagan Administration's choice for chairman of the corporation's board (actually, the board itself is supposed to select the chairman), and who, even though he is not among those named thus far, according to White House sources will still be appointed. Olson tells me that he is chairman only temporarily. A White House aide told me that since the paperwork on some names had not been completed in time, some people who had been cleared for other jobs were temporarily tossed onto the board. Phillips believes that the reason Zumbrun's name was not included in the first list was that the Administration wanted to protect him from the controversy surrounding the recess appointments—and this is one of the few matters on which Phillips and supporters of the Legal Services program agree. Phillips tells me he believes that Zumbrun would be "a good chairman of the board."

The fuss over Zumbrun has arisen because he is president of the Pacific Legal Foundation, based in Sacramento, which was established to bring cases reflecting the conservative and pro-business point of view. The Pacific Legal Foundation also maintains an office in Washington, and it was the forerunner of and consults with like-minded groups, such as the Mountain States Legal Foundation, which used to be headed by Interior Secretary James Watt. In fact, the Pacific Legal Foundation last year joined with Mountain States in bringing a suit against Watt to get Watt to do something he wanted to do—open a Montana wilderness area to oil and gas drilling—but had been barred by Congress from doing. Zumbrun wrote the Justice Department that he was trying to help Watt achieve his "objectives." A George Washington University Law School group has brought charges of collusion. Last year, the Mountain States Foundation filed a brief in federal district court charging the Legal Services Corporation with lobbying in its own behalf. The court dismissed the charges. The Pacific Legal Foundation has opposed the C.R.L.A. in some cases, and, in fact, before Zumbrun formed the Pacific Legal Foundation, he had served under Governor Reagan as deputy director of legal affairs for the California Department of Social Welfare, which had a number of battles with the Legal Services program. And the Pacific Legal Foundation was created, with corporate and conservative-oriented foundation backing, explicitly as a result of the experiences of the Reagan governorship with legal-services challenges. We have come full circle. Meese, before he came to Washington to join the Reagan Administration, served on one of the Pacific Legal Foundation's advisory boards. Two other men associated with the foundation have also been named to the Legal Services Corporation's board. One, Marc Sandstrom, a vice-chairman of the foundation, is executive vice-president and general counsel of the San Diego Federal Savings & Loan Association, which has contributed funds to the Pacific Legal Foundation and has been involved in a number of cases brought against it by Legal Services lawyers on charges of illegal foreclosures. Another appointee is William Harvey, a law professor and former dean of the Indiana University Law School, who serves on a Pacific Foundation advisory committee.

Another Reagan appointee to the Legal Services board, George Paras, resigned last summer as a judge on the California Court

of Appeal, denouncing the state supreme court as a "left-wing junta." Paras subsequently made news when he opposed the nomination of Cruz Reynoso, who had been the director of the C.R.L.A. while Reagan was governor to the state supreme court. Once again, we have come full circle. C.R.L.A. is still an emotional term in California. Reynoso, who is considered a distinguished man by a large segment of the bar, had served on the appeals court with Paras. When Paras resigned, he wrote to Reynoso—and later made the letter available to a commission that approves court nominations—accusing him of espousing "a nice socialistic philosophy first proclaimed by Karl Marx," of uttering "gibberish," and of feeling it "your obligation to be a professional Mexican rather than a lawyer." (A commission appointed by the California bar to examine judicial nominations found Reynoso qualified for the post.) Harold DeMoss, a Houston attorney named to the board, has said he shares the Reagan team's "overview and approach" to the Legal Services program. Annie Slaughter, a black woman named by Reagan, has served with Meese and Olson on the board of an organization called Crime Victims Legal Advocacy Group. Meese, Olson, and Mrs. Slaughter were all founders of the organization. Mrs. Slaughter told me recently, "I'd have to read more about the Legal Services program to find out what my views are on whether it should be abolished."

This February, the Reagan Administration proposed in its budget that the Legal Services Corporation be abolished outright. Making no bones about it, the Administration said that no further funds should be provided, and that the program should be shut down by the time the continuing resolution expires, on March 31st. It said that the states may use money from block grants for legal services if they wish to do so. This, of course, they are most unlikely to do. The budget message also says that private lawyers "can and should do more to fulfill their obligations through pro-bono-publico services." People on both sides of the argument over Legal Services agree that the private bar could do more than it does now to provide services to the poor, but defenders of the program, and also some disinterested lawyers, say that it is unrealistic and absurd to expect the bar to be able to meet the needs that the program has been trying to serve. Not every lawyers is sitting in a well-appointed office in Washington or New York, earning a fortune, and some areas still don't have lawyers at all. Lawyers are not likely to behave with the saintliness that is being asked of them. Doctors, of course, are reimbursed for the services they provide to the poor under Medicaid—which last year cost the federal government about seventeen billion dollars. Meese and others talk about extending existing "judicare" programs. Legal Services has experimented with the idea, under a system in which private lawyers provide help, at reduced fees, for poor clients referred by the Legal Services program; the fees are paid by the Legal Services program. But if there is no program, there is the question of who would pay the fees. The Legal Services program has found that the success of judicare and other methods of involving private attorneys varies from place to place but that such systems would not be cost-effective on a national basis. Even if a large part of the Legal Services program could be transferred to the private sector, there would be problems of distribution, organization, and expertise.

If the program closes down, a large number of people, who also have other new problems, would be left without help. The effect of last year's twenty-five-percent cut in the program is already being felt; Legal Services centers in some areas are shutting down, and in others some clients are being turned away. The Legal Services program is an inexpensive, low-overhead program. So the issue for the Reagan Administration is not really money. And it may be that in this area, as in some others, it has underestimated the depth—and also the nature—of the opposition. Roger Cramton, the Republican, Ford-appointed head of the first Legal Services board, says of the Reagan Administration's approach to the program, "It's irrational behavior for a politician. This is not a social-welfare program; it's an enforcement-of-rights program. It tells us that our ideals of freedom and equality are there. Alienating the American Bar Association in the way that they are doing is not sensible. They risk gravely alienating an entire segment of the population—lawyers, many of them conservatives. Some of us are getting hot under the collar—and it carries over to other issues." But the Reagan Administration's approach to the Legal Services program has its own rationale: These people are carrying old grievances and their own ideology to their logical conclusion.●

ORDER FOR RECORD TO REMAIN OPEN UNTIL 4:30 P.M. TODAY

Mr. TOWER. Mr. President, I ask unanimous consent that the RECORD remain open until the hour of 4:30 p.m. for the introduction of bills and resolutions and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ACTION ON CONFIRMATION OF GEORGE S. ROUKIS

Mr. TOWER. Mr. President, as in executive session, I ask unanimous consent that the action taken today by the Senate on the confirmation of George S. Roukis, to be a member of the National Mediation Board, be vitiated, and that the nomination be replaced on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I further ask unanimous consent that the President be requested to return the notification of confirmation to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

REALLOCATION OF TIME ON SPECIAL ORDERS TOMORROW

Mr. TOWER. Mr. President, I ask unanimous consent that the special order allotted to the Senator from Arkansas (Mr. PRYOR) on tomorrow be transferred to the Senator from Missouri (Mr. EAGLETON) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. TOWER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow, Tuesday, March 16, 1982.

The motion was agreed to; and at 3:53 p.m., the Senate recessed until tomorrow, Tuesday, March 16, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 1982:

DEPARTMENT OF JUSTICE

Charles H. Turner, of Oregon, to be U.S. attorney for the district of Oregon for the term of 4 years vice Sidney I. Lezak, resigned.

INTERSTATE COMMERCE COMMISSION

J. J. Simmons III, of Oklahoma, to be a Member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985, vice Thomas A. Trantum, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 1982:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Capt. James C. Irwin, USCG.
Capt. Bobby F. Hollingsworth, USCG.
Capt. Edward Nelson, Jr., USCG.
Capt. Clyde E. Robbins, USCG.

DEPARTMENT OF COMMERCE

James W. Winchester, of Mississippi, to be Associate Administrator of the National Oceanic and Atmospheric Administration.

DEPARTMENT OF STATE

Peter H. Dailey, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXPORT-IMPORT BANK OF THE UNITED STATES

Charles Edwin Lord, of the District of Columbia, to be First Vice President of the Export-Import Bank of the United States.

DEPARTMENT OF JUSTICE

J. Alan Johnson, of Pennsylvania, to be U.S. attorney for the western district of Pennsylvania for the term of 4 years.

William L. Lutz, of New Mexico, to be U.S. attorney for the district of New Mexico for the term of 4 years.

David D. Queen, of Maryland, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years.

IN THE COAST GUARD

Coast Guard nominations beginning Wade A. Mitchell, to be lieutenant, and ending Joseph D. Klimas, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD, on February 3, 1982.

Coast Guard nominations beginning Richard L. Devries, to be commander, and ending Bruce Y. Arnold, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 22, 1982.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Ralph J. Edwards, to the class of Minister-Counselor, and ending Miguel de la Pena, to be a Foreign Service Officer of class 2, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America (list reported and confirmed minus one nomination Max L. Friedersdorf).

WITHDRAWAL

Executive nomination withdrawn from the Senate March 15, 1982:

The nomination of J. J. Simmons III, of New Jersey, to be a member of the Interstate Commerce Commission for the remainder of the term expiring December 31, 1985, vice Thomas A. Trantum, resigned, which was sent to the Senate on January 26, 1982.

HOUSE OF REPRESENTATIVES—*Monday March 15, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Encourage, O Lord, all people of good will who work for peace and security in our world that they may gain strength realizing that their labors are not in vain. We thank You, O Lord, that our Nation has been blessed with the freedoms and liberties inherited by the struggles of those who have gone before.

May our consciousness of living in a free land cause us to respond with acts of charity and justice toward nations and peoples who stand in great need that Your will may be done on Earth as it is in Heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

INTRODUCTION OF FAMILY HOUSING PRODUCTION ACT OF 1982

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, today I am introducing the Family Housing Production Act of 1982 designed to accomplish simultaneously two tasks: First, make homeownership more affordable to qualified homebuyers by reducing mortgage interest rates by up to 4 percent; and second, increase employment in the housing industry by stimulating housing construction.

As we have all been made plainly aware, the housing industry is in its worst recession since World War II; now in its 39th month of recession, the construction industry has been plagued by a 53-percent increase in business failures, and unemployment in the industry is nearly 20 percent. This downward trend in the housing industry not only affects homebuilders, realtors, and construction workers, but also all the suppliers of materials and services which go into each new home. For example, one of the major suppliers for housing construction, the lumber industry, currently has 55 to 60 percent of its mills closed, or they are operating on curtailed schedules.

The demographics of the postwar baby boom indicate that demand for housing should be very strong, but unfortunately that demand cannot and will not be met until interest rates come down. Until housing can be made more affordable, the housing industry and all of its affected industries will continue to deteriorate and homeownership will remain beyond the reach of most Americans.

Historically, housing has been a national priority. With the passage of the 1949 Housing Act, that priority was clearly articulated as "a decent home and a suitable living environment for every American family." That priority must now be reaffirmed by action on this program to stimulate the construction of housing which is within the financial reach of most Americans. Such a stimulus can help to turn around our economy, just as housing recoveries have led the economy out of recessions in the past.

The time for action is now; delay runs tremendous risks. First, housing must be built to insure that when interest rates come down and the pentup housing demand is released, this demand will be met by an adequate supply of housing stock to avoid bidding up the prices of housing to artificially high levels. Second, if housing construction continues at its current low rate, we will see further deterioration in the housing industry all the way back down through the supply lines of the industry. Once these lines of supply are destroyed, it will make economic recovery all the more difficult and take longer to achieve. Without Federal Government assistance to reverse this trend, the homebuilding infrastructure will be destroyed.

For these reasons, I am today introducing the Family Housing Production Act. As I said earlier, this legislation is designed to accomplish two tasks simultaneously. Let me explain just how it does this.

The bill provides shallow assistance in the form of a recapturable 4-percent interest write-down for the first 5 years of homeownership. Beginning in the second year—and continuing for the next 5 years—the homeowners annual mortgage payments are increased by an affordable amount which goes directly to reduction in principal. This growing equity feature allows the homeowner's payments to gradually increase to a level comparable to the market-rate mortgage payment, thereby easing the transition off assistance.

It is estimated that approximately 400,000 new homes can be produced under this program with the $5 billion authorization. An approximately equivalent amount of tax revenue can be generated through this program and upward of 700,000 man-years of employment can be generated; this includes employment in construction, land development, manufacturing, mining, transportation, wholesale trade, services, and other industries. This program can go a long way toward bringing new life to the American economy.

This short-term emergency measure is needed. I am aware that the language in the bill may need to be revised in order to work out any technical problems with this new approach, but with the help of my colleagues, it is my intention to continue the dialog to address the problems facing the housing sector so that we may take action to meet these problems.

Finally, Mr. Speaker, the Family Housing Production Act is an emergency jobs bill to provide jobs for unemployed building trades men and women, and to save the homebuilding industry from severe collapse. It is not the entire solution for our Nation's housing needs. I also strongly support the broader housing legislation now being considered by the Housing Subcommittee, H.R. 5731, which was introduced by Chairman GONZALEZ.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 15, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from the White House, received in the Clerk's Office at 4:00 p.m. on Thursday, March 11, 1982 and said to contain a message from the President

wherein he transmits the fourth annual report on nuclear non-proliferation.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, JR.,
Clerk, House of Representatives.

FOURTH ANNUAL REPORT OF NUCLEAR NON-PROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of Friday, March 11, 1982.)

INTRODUCTION OF LEGISLATION TO FREEZE WHITE HOUSE SPENDING AT 1982 LEVELS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to freeze White House spending for 1983 at 1982 levels. The President, in his budget requests, asks for a 14-percent increase.

We must demonstrate our commitment to holding down Federal spending. Passage of this bill can do that. My Republican colleagues say that cutting $700,000 from House committee budgets will demonstrate that commitment. Well, if they enjoy cutting committee budgets, they should be delirious of the chance to cosponsor this measure. Here is an opportunity to slash $12 million of unnecessary bureaucratic baggage from a $102 million budget request.

Imagine a 14-percent increase for the White House at the same time the President is proposing a 28-percent decrease in the number of Pell grant recipients and a 24-percent drop in work study grants. Consider a 17-percent hike in the White House Office while the administration wants to rescind $2.8 billion in rental housing subsidies. How about a 16.5-percent increase in the White House Office of Science and Technology Policy at the same time as a 7-percent decrease in the Mine Safety Administration is proposed.

A week or so ago a prominent Republican Senator publicly suggested that the President was a bit out of touch with what is going on in America today. The President's budget request for the White House staff tends to confirm this view. I think it is our job to bring him back in touch. Passage of this legislation to freeze the money for the White House could do just that.

STUDENT AID CUTS

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, last Saturday I met with students and financial aid officers from the five institutions of higher education in my district. They helped document what the budget proposals will mean to students, to their families, and to the schools in my area.

Mr. Speaker, we all know that last year Congress responded to the President's budget proposals by tightening eligibility requirements and by cutting funding in student aid programs.

Now the President is urging Congress to cut far deeper.

Mr. Speaker, these proposed cuts in education do not represent mere belt tightening. They do not represent simply a desire to eliminate waste, fraud, and abuse. They represent a reversal in the American commitment to education at a time when educational expenditures are rising rapidly. These cuts will curtail opportunity for hundreds of thousands of Americans.

No one, Mr. Speaker, is advocating a free ride for every college student, but we are advocating a fair chance for those young men and women who are willing to earn an education. That chance is important to them and to their families, and it is important to this country.

Mr. Speaker, their situation is compounded in my own area by rapidly rising unemployment where we have not one county in my district of 12 that has less than double-digit unemployment, with 42,000 people seeking work.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York?

There was no objection.

FIFTH ANNIVERSARY OF IMPRISONMENT OF ANATOLY SHCHARANSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 60 minutes.

Mr. BINGHAM. Mr. Speaker, I have requested this time, along with my colleague from New York, Mr. GREEN, so that we may all recognize and protest the continuing imprisonment of Anatoly Shcharansky. As of today, Shcharansky has spent 5 years in Soviet prisons and labor camps. It is ironic that Shcharansky was arrested the same week that President Carter made his first major speech on foreign policy to the U.N.—the speech in which he emphasized the right and duty of nations to speak out on human rights. That seems so long ago now. It angers and outrages me to think that during these past 5 years, through the Iranian crisis, through the launching of the Space Shuttle and the failure of SALT II, through nearly the entire Carter administration and into the Reagan administration, Anatoly Shcharansky has been unjustly isolated from his wife, his friends, his family, from everything beyond the bleak environment of Soviet prisons and labor camps.

Through the Greater New York Conference on Soviet Jewry, I have adopted Shcharansky as my "Prisoner of Conscience." I intend to do everything in my power to secure Anatoly Shcharansky's release. It is good to know that I have the support of the Greater New York conference in this effort and of so many Members of the House of Representatives.

The Shcharansky case violates the most basic principles of human freedom. Since last year at this time, conditions have greatly worsened for Shcharansky. In September he collapsed from hunger as a result of an extended stay in a punishment cell, and was hospitalized for 33 days. Upon his release from the hospital in November, he was sent back to Chistopol Prison for 3 years for "continuing to consider himself not guilty." Conditions in prison are much harsher than those in the labor camp.

In January 1982 Shcharansky's mother and brother were permitted to see him for 2 hours. They were his only visitors in the last 16 months. His mother fears that the severe headaches and eye disorders from which he suffered during his first 3 years in prison are returning. She observed that harassment of her son is intensifying, and that he did not seem optimistic about seeing her again.

Shcharansky's imprisonment is particularly inhumane because of his separation from his wife, Avital. Avital was compelled to leave the Soviet Union for Israel 1 day after their wedding on July 4, 1977. At that time she was promised that her husband would soon follow. It has now been over 5 long and lonely years.

Soviet authorities must realize that we shall not relent in our efforts to

free Shcharansky who now sits in prison solely because he dared to dream of, and strive for, a life for himself and his wife Avital in Israel. It is that simple. Shcharansky was sentenced to 13 years in prison for his "anti-Soviet activity." But his real crimes were that he was a leader in the movement to obtain unrestricted rights of emigration. He was also a major figure in the movement to monitor Soviet compliance with the Helsinki accords. The Shcharansky case makes a mockery of the Soviet criminal justice system. Shcharansky was deprived of the barest requirements of due process—a lawyer of his choice, the right to call defense witnesses, a copy of the judgment against him.

Anatoly Shcharansky, himself, in the closing statement from his trial, eloquently points to the kind of justice he has been subjected to. We also see the kind of man he is. This is what he said:

> In March and April 1977, during the preliminary interrogations, those conducting the investigations warned me that in view of the position taken by me during the investigation, the one which I have maintained during the course of this trial, I will be likely to be given the death sentence, or, as a minimum, 15 years of confinement. I was told that if I agreed to collaborate with the KGB in order to destroy the Jewish emigration movement, then I will be given a short sentence, quick release and even the possibility of joining my wife.
>
> Five years ago, I applied for a visa to Israel, but now I am further than ever away from the attainment of my dream. It might appear that I must have regrets about what has happened. But this is not so. I am happy, I am happy that I have lived honestly, in peace with my conscience, and have never betrayed my soul, even when I was threatened with death. I am happy that I have helped people. I am proud to have known brave people as Sakharov, Orlov, Ginsburg—they who are continuing the finest traditions of the Russian intellectuals. I am happy that I can be a witness to the redemption of the Jews in the USSR. These absurd accusations against me and against the whole Jewish emigration movement will not hinder the liberation of my people. My near ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.
>
> For more than 2000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated: "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next year in Jerusalem.

The imprisonment of Anatoly Shcharansky cannot continue. We, the friends and supporters of Shcharansky, shall work for his release until the day we see him free and reunited with Avital in Israel. We, Members of the Congress of the United States of America, accuse the Soviet Government of knowingly keeping an innocent man in prison, away from his family. We pledge that we shall not forget Shcharansky and that we shall see the day of his reunification with Avital. We urge the Soviet authorities to make a positive step toward good relations with the United States by freeing this good and innocent man, Anatoly Shcharansky.

● Mr. GREEN. Mr. Speaker, I am pleased to join my colleague, the distinguished gentleman from New York (Mr. BINGHAM), in holding this special order to commemorate the fifth anniversary of Anatoly Shcharansky's imprisonment.

Shcharansky was convicted of "treason" for supposedly having ties with the American CIA. His real crime: To apply to emigrate to Israel, to keep alive Jewish traditions in the U.S.S.R., and to lead Jewish refuseniks protesting the oppression by Soviet authorities. American officials from all levels of government—including former President Jimmy Carter—protested the Soviets assertion of Shcharansky's ties with the CIA. Shcharansky's trial was a gross distortion of justice, a travesty of the understanding embodied in the Universal Declaration of Human Rights, and, sadly, only one of the many examples of the Soviets' unwillingness to uphold the most basic human rights.

Shcharansky was by profession a computer scientist. He also specialized in cybernetics, and worked at the Moscow Institute of Oil and Gas. He first applied to emigrate in 1973, but was denied permission. The Soviets claimed he had access to state secrets, even though it was well known that his work at the institute was not classified. In 1974 he married Avital Shcharansky. She left the U.S.S.R. the day after their marriage, as Anatoly had been told that he would be permitted to leave soon thereafter. As we know, he was misled by the Soviet authorities. The short time he was able to spend with Avital is one of the most poignant aspects of Anatoly Shcharansky's tragic story.

After his forced separation from his wife, Shcharansky intensified his work as a Jewish cultural leader. He participated in many protest marches and study groups. In 1975 he was dismissed from his job at the Moscow Institute. The KGB frequently warned him to cease his activism. In 1976, Shcharansky joined a Helsinki Monitoring Group. During this period in his life, Shcharansky was featured on an anti-Semitic television special entitled "Traders in Souls" and was called a soldier of Zionism.

He was arrested in 1977, and imprisoned exactly 5 years ago. The Shcharansky trial was planned as a large-scale exercise in official Soviet anti-Semitism, but Shcharansky's bravery, world outrage at his treatment, and the manifest injustice of the charges against him made the case a major human rights embarassment for the Soviets. Shcharansky received an unusually harsh sentence, even by Soviet standards: 3 years in prison, and 10 at hard labor. He was transferred to a labor camp near Perm in April of 1980.

Conditions in Perm were so harsh that Shcharansky was hospitalized. His mother, Mrs. Ida Milgrom, recently visited him after a harrowing 500-mile trip from Moscow. She said that at Perm her son was repeatedly accused of trivial violations, and provoked into committing punishable infractions. Among the crimes for which he was punished was lighting the Hanukkah candles, and refusing to do a job which would have meant starvation for the old man who had formerly done the work. As punishment, Shcharansky was put in a punishment cell. In a cell, a prisoner is fed only once every other day, and with the smallest ration, which includes no meat. Shcharansky spent over 185 days in a punishment cell, once for a 75-day stretch. Because of this brutal treatment, he was hospitalized for 33 days and released in October. Mrs. Milgrom also reports that Shcharansky's eye troubles and headaches are returning.

Recently, Shcharansky was returned to prison at Chistopol because he steadfastly refuses to recant. His mother is very worried that his continued imprisonment will result in his death. In a statement for reporters, she wrote:

> The victimization of my son continues and the harassment is intensifying. There can be no doubt that the persistent lawlessness and victimization are intended to break him physically and morally. If the present situation continues, it will surely bring on the total physical destruction of a sick man.

Mr. Speaker, we cannot allow this to happen. As in the past, we must continue to voice our outrage and offense at the Soviets treatment of this brave man. The United States will not stand silent at Soviet abuse of Anatoly Shcharansky's right to live freely in Israel with his wife, Avital. Especially on this fifth anniversary of his imprisonment, we must renew our pledge to free Anatoly Shcharansky. He has been in prison 5 years to long already. Let us put the Soviets on notice that we shall not tolerate their intransigence.●

Mr. FISH. Mr. Speaker, I join my colleagues today to speak out in a strong unified pleas on behalf of Anatoly Shcharansky.

At this time, more doubt than ever exists regarding Anatoly's physical and mental condition. His mother recently reported that Anatoly appears to be suffering from increased harassment at the Chistopol Prison. She

stated that Anatoly has his doubts about even seeing his family again. Mrs. Shcharansky saw Anatoly in January, and her statements are most disheartening for those of us who share her concern for her son.

Anatoly Shcharansky has now served 5 years of his 13-year prison sentence. He is obviously continuing to be mistreated by prison authorities for his brave leadership in the Soviet Jewish emigration movement and his persistence in clinging to his religious beliefs. I join my colleagues and all Americans concerned about human rights in urging Soviet President Brezhnev to grant Anatoly Shcharansky his freedom. There is only so much more suffering that he will be able to endure.

I have spoken out often on behalf of Anatoly Shcharansky. He symbolizes the spirit and courageousness of Soviet Jews who seek only to live free from persecution and repression. As long as it has been since I met Anatoly Shcharansky, my impression of his inner strength and fortitude is vivid. But he is a human being, and his weakened physical condition may not enable him to survive solely on his spiritual capability.

There are few cases which deserve a greater effort than the plight of Anatoly Shcharansky. I know all my colleagues join in a continuing effort as strong as Anatoly's devotion to his cause in seeking his freedom to live again with beloved Avital in Israel.

● Mr. ROE. Mr. Speaker, I rise today to commemorate the fifth anniversary of the imprisonment of Soviet dissident Anatoly Shcharansky. This is indeed a very sad occasion. Anatoly Shcharansky sits gravely ill today in a Soviet prison camp on trumped up charges that he was a spy for the CIA.

But the simple truth is that the Soviets have continued to harass and punish Shcharansky and other Jewish dissidents because they had the courage to speak aloud for freedom and conscience.

The world knows that Shcharansky's only "crime" was to belong to a group that sought to monitor the Soviet's compliance with the Helsinki accords. His most severe punishment was the Soviet's way of stating that dissent of any type will not be tolerated.

Mr. Speaker, it is imperative that pressure be placed on the Russians by this Nation to set Anatoly Shcharansky free. This brave man is in very ill health and continued imprisonment under the harsh conditions he is now tolerating could very well result in his death. Last September he was hospitalized for 33 days after collapsing from hunger in a Russian punishment cell. In January, his mother and brother were permitted to see him for 2 hours. They were the first visitors he has had for more than a year. His mother reported that his eye disorders and severe headaches are a continuing health problem and she feared that she might never see him alive again.

All Anatoly Shcharansky wants to do is to leave Russia with his wife and to begin a new life in Israel. But his desire for freedom for all has resulted in his being sentenced to 13 years in a Russian cell.

All the Soviet Union understands is power. Our great Nation must use every means at its disposal, both economic and diplomatic, to force the Soviets to set Shcharansky free.

Anatoly Shcharansky is a symbol to all who speak out against oppression and wrongdoing. He must not be forgotten.●

● Mr. DOWNEY. Mr. Speaker. I would like to add my voice today to those of my colleagues in commemorating the fifth anniversary of the imprisonment of Anatoly Shcharansky. Shcharansky's continuing imprisonment and deteriorating condition over this last year are a sad and pessimistic reminder of the Soviets' unyielding oppression of their citizens. It demonstrates just how far we still have to go to further international standards of human rights.

In this last year, Shcharansky's story has become even more tragic. Because of an extended stay in a punishment cell, Shcharansky was hospitalized after collapsing of hunger this past November. After his release his recovery period has been spent at the harsh Chistopol Prison. In January 1982 his mother and brother were allowed the first visit to Shcharansky in 16 months. His deteriorating health underlines the harshness of prison conditions.

And of what reason, we may ask, has this man suffered so much? Authorities respond with the answer "treason." Yet when did an individual's desire to emigrate to Israel for a life with his wife become defined as "treasonous"? Shcharansky's 13-year sentence is a reminder of the outrageousness of a system that still exists in the Soviet Union. In 1977, his wife, Avital Shcharansky, was forced to leave the Soviet Union for Israel, and she was told that her husband would soon be permitted to follow. Yet she has waited for 5½ years.

But she must not wait alone. We must join in a vigil for freedom and human rights in the Soviet Union. This isolated case is only one of hundreds. Most important for those still awaiting freedom is the maintenance of hope that can only come from our unyielding efforts to pressure Soviet authorities. Our voices must join in condemnation of the Soviet Union's treatment of its citizens. Our support of these courageous spirits must not waver.●

● Mr. HUGHES. Mr. Speaker, Anatoly B. Shcharansky is a man who knows justice, but who has never experienced it. He knows that justice demands the freedom of the innocent, and the fair and impartial treatment of the accused. He knows that justice allows no room for discrimination or oppression. He knows this, yet he lives in a land in which there is no justice for those who fall out of favor with the state. He had the misfortune to be born a Jew with a conscience in the Soviet Union.

All that Shcharansky sought was the upholding of basic human rights: the fair treatment of Jews within the Soviet Union and permission to emigrate for those who want to leave. A just society would allow these things. The Soviet Union has reacted by sentencing him to prison and hard labor and, most recently, by trying to turn his punishment into a hell on Earth. Reports emerging from the Soviet Union reveal that he has been starved, overworked, isolated, and denied the basic right to practice his religion.

Now his sentence has been harshened by an additional 3 years of imprisonment, because Shcharansky has refused to admit guilt for crimes he did not commit. His trial, which reportedly lasted only 5 minutes, made Orwell's vision of totalitarian society look optimistic. The charge itself was absurd—refusing to admit to a crime which the state had created and for which it had committed him to a lengthy sentence, and being a bad influence on other prisoners. Against the first charge there was no defense short of abandoning his principles and admitting to a false offense. Against the second, Shcharansky replied that his extensive time in solitary confinement made him unable to influence other prisoners. But the Soviet authorities were not looking for facts, they merely wished to impose additional cruelty in their unceasing effort to destroy him.

By speaking out today we remind the world of that which they should already know, that the Soviet Government has destroyed freedom within its borders and that it is brutally persecuting those who would resist it. Jews have been singled out for particularly outrageous treatment, and their persecution has worsened in recent months. For Jews, emigration provides the only hope for freedom yet, according to one publication, by the end of 1981 emigration of Jews had been reduced by 82 percent over the previous 2 years.

Anatoly Shcharansky is one of the most visible symbols of the Soviet Union's brutality. He is also a man who has faced extraordinary suffering. As we enjoy the fruits of our demo-

cratic society today, let us remember Shcharansky and others like him. Let us also raise our voices to gain his freedom and to uphold human rights throughout the world.●

● Mr. McGRATH. Mr. Speaker, again we take time out from our deliberations to mark a dark day in the movement for international respect of human rights. Five years ago today, Anatoly Shcharansky was arrested and imprisoned on charges of treason and espionage. His real offense was a strong desire for freedom from the oppression of the Soviet police state. He has been incarcerated because his conscience would not permit him to stand idle in the face of persecution and injustice and he bravely protested Soviet policies preventing emigration and threatening those who wish to practice their religion.

For those who do not consider the Soviet Government a threat to all individual liberty, I urge careful attention to the case of Anatoly Shcharansky. Following his initial request for a visa, Anatoly lost his job. Soviet authorities made it extremely difficult for him to marry by refusing to grant permission for a civil ceremony and making lame excuses. When Anatoly finally was allowed to marry, his wife was forced to leave the Soviet Union 1 day after their wedding. This was only the beginning of Shcharansky's struggle.

He faced 3 years of repeated harassment and surveillance by the KGB along with vicious attacks in the Soviet press. His wife remains waiting for him in Israel. Shcharansky was imprisoned for well over a year with no trial and no opportunity to visit or even communicate with friends and family. He then was tried and received a predetermined sentence totaling 13 years. He continues to serve that sentence today and our efforts are one of his few hopes for early release and the chance to be reunited with his wife.

Last evening, I had the privilege of joining four of my colleagues and over 800 residents of Long Island at the Annual Freedom Dinner of the Long Island Committee for Soviet Jewry. The name and the plight of Anatoly Shcharansky were cited by several speakers as an example of the horrors unleashed by the Soviet Government upon its Jewish citizens. Over the past year, the flow of emigrants from the Soviet Union has been reduced to a trickle and increased pressure and brutality are the price for those who state their intention to leave.

As we mark this sad anniversary of Soviet inhumanity, I ask once again that all who have the honor and the freedom to speak in this Chamber, join in the struggle to help those who are deprived of the rights we guard for our own citizens. For the thousands of unfortunate people who share the fate of Anatoly Shcharansky, we must pledge to redouble our efforts in their behalf.●

● Mrs. KENNELLY. Mr. Speaker, I join my distinguished colleagues in calling for the release of Soviet refusenik Anatoly Shcharansky. Today marks the fifth anniversary of Anatoly's imprisonment by the Soviet Government on charges of treason. Yet, his only crime was his request to emigrate with his wife, Avital, to Israel. Just 1 day after the couple's July 4, 1977, wedding, Avital was forced to leave the Soviet Union for Israel. She was told that her husband would soon be permitted to follow.

It has now been 5 years that Avital has been waiting for her husband. He has spent that time in labor camp and prison, most recently being accused of "continuing to consider himself not guilty."

Anatoly's only visitors in the last 16 months have been his mother and brother who were allowed to spend 2 short hours with him in January of this year. They report that he is not well, having been hospitalized for 33 days in September after collapsing from hunger.

Anatoly Shcharansky's harassment by Soviet authorities is not an isolated incident. All Jews in the Soviet Union, today more than any time in the previous 10 years, are engaged in a daily struggle for survival. Soviet authorities appear to be implementing a calculated plan to close the doors on emigration and suppress all Jewish activities. There has been an alarming decrease in the number of Jews allowed to emigrate from the Soviet Union in recent years. In 1979 51,320 Jews left the Soviet Union. By last year that figure had dropped to 9,447.

The Soviet Union's continued persecution of Anatoly Shcharansky and other refuseniks is a direct violation of the commitment to human rights the Soviets made when they signed the Helsinki accords. I join my colleagues in calling on the Soviet Union to uphold this commitment by releasing Anatoly Shcharansky and allowing him to join his wife in Israel.●

● Mr. FITHIAN. Mr. Speaker, I join my colleagues in expressing frustration and anger regarding the plight of Anatoly Shcharansky, a Soviet citizen who today marks his fifth year of imprisonment for seeking permission to join his wife in Israel. Anatoly Shcharansky's health is falling as a result of his lengthy imprisonment and harsh treatment. Despite this, he is certain to endure further suffering and despair as he faces several more years in prison.

Like many of you, I am disturbed by the increasingly stringent Soviet response to individuals who seek exit visas. And I am concerned for those Soviet citizens who endure harassment and persecution by their neighbors and their government because they choose to practice their religious faith or seek to emigrate from the Soviet Union. Anatoly Shcharansky's continued imprisonment is an unwarranted and excessive display of Soviet disregard for these basic human rights.

As Americans, we enjoy freedoms which most people around the world can only dream of. The freedom of worship and the right to emigrate are especially precious. I join my colleagues in calling upon the Soviet Union to honor its commitment to these principles as embodied in the Helsinki accords, and to recognize Anatoly Shcharansky's right to emigrate and join his wife in Israel. I urge his immediate release.●

● Mr. AuCOIN. Mr. Speaker, for years I have followed with outrage the step-by-step deterioration of living conditions for Anatoly Shcharansky.

This is the fifth anniversary of his imprisonment in the Soviet Union, and still Anatoly Shcharansky and thousands of other Soviet Jews refused visas are in prison. He is under a 13-year sentence for crimes he did not commit. Indeed, his only offense is his desire to emigrate to Israel to join his wife.

Since last we marked the anniversary of his imprisonment, conditions have worsened for Shcharansky. In the fall, he collapsed from hunger as a result of severe punishment and was hospitalized for 33 days. Upon his release from the hospital, he was sent to Chistopol Prison for 3 years for "continuing to consider himself not guilty." There, conditions are even harsher than those in the labor camp.

His mother and brother were allowed to see him for 2 hours earlier this year. But those were his only allowed visitors in 16 months, and there are fears that the harassment of Shcharansky is intensifying.

As we mark with sadness yet another year of his imprisonment, we continue to admire the courage and strength of Anatoly Shcharansky. He is a symbolic leader of the dissident movement in the Soviet Union. He is one of the major forces behind the refusenik initiative, for he founded the group to monitor implementation of the Helsinki accord in the U.S.S.R., the very agreements intended to protect the civil, political and human rights of all Soviet citizens.

We in Congress see in the Shcharansky case a stark reflection of the anti-Semitism that is a part of official Soviet policy—a policy that results in harassment, arrest and imprisonment of Soviet Jews at an alarming rate. We pledge our efforts to ending this injustice and call on the Soviet Union to release Anatoly Shcharansky and permit him to join his family in Israel.●

● Mr. LUNGREN. Mr. Speaker, Russian history is filled with nightmarish instances of justice denied and subsequent human misery. Who can forget Solzhenitsyn's account of the arbitrary 10- and 20-year sentences imposed on his innocent countrymen for the most absurd imagined transgressions against the all-powerful Soviet state?

The case of Anatoly Shcharansky is just such a nightmarish instance—the stuff of which existentialist novels would be written, if the facts were not so frighteningly real.

Imprisoned for 5 years today, Shcharansky's plight makes "catch 22" seem rational by comparison.

Shcharansky applied for permission to emigrate to Israel, to settle there in peace with his newly acquired bride, Avital. A computer specialist by trade, he was denied that permission on the specious grounds that he was privy to secret state technology relating to computers. In light of the widely known backwardness of Soviet computer technology in comparison to the industrial nations of the Western World, the Soviet rationale becomes laughable.

But the further treatment of this man takes on the character of a grim tragicomedy. He was then faced with the criminal charge of having worked as an agent for the U.S. intelligence organization, the CIA. President Carter investigated and accurately informed the world that this was so much Soviet fantasy. Not only was the Jewish dissident leader not a functionary of the CIA, but the circumstances surrounding his life make it ludicrous to recommend that he would have ever been of even the slightest use to the CIA.

At a mockery of a trial on this Soviet capital offense, Shcharansky was denied even the basest of "rights" presumably afforded him under the Soviets' own laws.

He was then held in solitary confinement for 16 months prior to going to trial and during that time he was denied the right to legal counsel.

He was then tried, found guilty on all counts, and sentenced to 3 years in prison and an additional 10 years in a forced labor colony.

He was then denied access to the official court documents, thereby making an appeal virtually impossible. He was then formally denied the appeal to which he is entitled under Soviet law.

During the trial one of the supposed pieces of "evidence" presented against him was testimony that he had transferred state secrets to Los Angeles Times reporter Robert Toth. These state secrets where not secrets at all, but rather the readily available names and addresses of other Soviet subjects who had been denied the right to emigrate on the grounds that they had been privy to classified state information.

Shcharansky was clearly cited as the source of the information in the Los Angeles Times. Was this the activity of a "top secret" undercover agent for the CIA?

The denial of legal right to Shcharansky was compounded by the fact that Toth was not permitted to testify at the trial, even though he expressed his willingness to do so.

In massive violations of human rights, Shcharansky has since been systematically tortured by Soviet prison authorities. He has been denied access to his prayer book and other personal religious artifacts. He has been systematically starved to the point where his weight has dropped from 134 pounds to 91 pounds and he is now losing his eyesight and memory. He has been denied regular visits and mail from his mother and wife. He has been held in grueling solitary confinement for days and weeks on end. He has been assigned hazardous, backbreaking work details.

We can only guess at the other forms of physical and psychological torture being inflicted upon this man, whose only crime is that he wants to join his wife in Israel. That he has seen her only once since the day of their wedding is the true Dostoevskian absurdity of this affair.

The treatment of Anatoly Shcharansky is merely symptomatic of a pattern of increasingly severe treatment of political dissidents, Jews, and other ethnic minorities by the Soviets.

This is in clear violation of the Helsinki accords to which the Soviet Union is a signatory. They state:

> The participating states will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all which derive from the inherent dignity of the human person and are essential for his free and full development.

If those are to be more than mere words inscribed upon a parchment, then Anatoly Shcharansky must go free and be allowed the right to emigrate to Israel. All of us must join together in the understanding that there can be no "business as usual" with any government that so abuses the basic human rights of its people.●

● Mr. HOLLENBECK. Mr. Speaker, I welcome this opportunity to once again rise and join with my colleagues in appealing to the Soviet Union for the release of Anatoly Shcharansky. It was 5 years ago today that Mr. Shcharansky was arrested. As we all know, Anatoly received a severely inflated 13-year prison term in July 1977—the result of trumped-up espionage charges. The 13-year sentence was imposed by Soviet authorities despite Presidential intervention attesting that Mr. Shcharansky was not in any way associated with the Central Intelligence Agency.

Now, 5 years later I regret to say that the situation has worsened. Ida Milgrom, who saw her son at Chistopol Prison for the first time in 18 months reported that Anatoly had been on a starvation diet throughout 1981 leaving him thin and pale, unable to read, write, or perform simple tasks. She also reported that his prison sentence had been extended 3 years following a 5-minute trial at the end of October by a tribunal which heard no defense.

The Soviets handling of this case has been recognized worldwide as a blatant example of injustice and a violation of human rights. To imagine such an unjust series of events, in direct violation of the Helsinki accords, can actually occur in modern times is, indeed, a depressing thought. As civilized people with an inherent respect for human rights, we must not relent in our efforts to secure the release of Anatoly Shcharansky. We must continue to persevere.

I am proud to join my colleagues in condemning the Soviet Union for their shameful injustices in the case of Anatoly Shcharansky. I can only hope that civilized people worldwide will not relax their efforts to achieve Mr. Shcharansky's expeditious release.●

● Mr. MOFFETT. Mr. Speaker, today we commemorate an event which brought great sadness to those of us concerned with human rights around the world: The fifth anniversary of the arrest of Anatoly Shcharansky. Shcharansky, a Soviet Jew who was denied the right to emigrate to join his wife in Israel, was imprisoned for his work to improve the human rights situation in the Soviet Union.

Since last November, Mr. Shcharansky has been held in the Chistopol Prison, 550 miles east of Moscow. He will remain there for 3 years and will then be returned to the labor camp where he served the first 3 years of his 12-year term.

The Soviets' brutal treatment of Shcharansky has left him weak and emaciated. Yet the example of his bravery and commitment to justice thrive stronger than ever. Although imprisoned and subjected to inordinate cruelty, he adheres to his religious beliefs and his dedication to helping others.

Mr. Speaker, we must not forget the tragic plight of this prisioner of conscience, whose fate highlights not only the barbarity of the Soviet Union's policy toward its Jewish citizens, but also the courage of Jews in the U.S.S.R. These people have sacrificed everything in their search for freedom. We must be vigilant and vocal in condemning their persecution by the Soviet Government.●

● Mr. BLANCHARD. Mr. Speaker, I would like to take this opportunity to join in the special order taken today

by my colleagues from New York, Congressman BINGHAM and Congressman GREEN, to commemorate the fifth anniversary of the imprisonment of Anatoly Shcharansky.

On a number of occasions, I have alerted Secretary Haig to my concerns about Shcharansky and all other Soviet Jews—who are being persecuted in direct violation of the Helsinki accords. Last September, Shcharansky collapsed from hunger as a result of an extended stay in a punishment cell and was hospitalized for 33 days. Upon his release from the hospital, he was sent back to Chistopol Prison for 3 years. All of this, because he wishes to emigrate to Israel to be with his wife.

Sadly, Mr. Shcharansky's circumstances are not uncommon. Those of us who support the cause of human rights must continue to speak out against the tyranny that continues to befall Anatoly Shcharansky and countless other Soviet Jews.●

● Mr. LANTOS. Mr. Speaker, today marks the fifth anniversary of the imprisonment of Anatoly Shcharansky. Again, we must speak out and tell the Soviet Union, Shcharansky must be released.

Since last year at this time conditions have greatly worsened for Shcharansky. In September he collapsed from hunger as a result of an extended stay in a punishment cell and was hospitalized for 33 days. Upon his release from the hospital in November, he was sent back to the notorious Chistopol prison fo the 3 years for continuing to consider himself not guilty. Conditions in prison are much harsher than those in the labor camp.

In January 1982 Shcharansky's mother and brother were permitted to see him for 2 hours. They were his only visitors in the last 16 months. His mother fears that the severe headaches and eye disorders from which he suffered during the first 3 years of prison are returning.

The Shcharansky case is an outrage that offends free men and women everywhere. Shcharansky was convicted of treason. But what is his real crime? Only his desire to emigrate to Israel with his wife. For that crime Shcharansky was sentenced to 13 years imprisonment.

It has now been 5 years. Shcharansky's imprisonment is especially cruel because of his separation from his wife, Avital. Avital was forced to leave the Soviet Union for Israel 1 day after their July 4, 1977, wedding. At the time, she was told her husband would soon be permitted to follow. Avital, in Israel, has been waiting for her husband for 5½ long years.

Our message today is loud and clear: Shcharansky must be released. We will not quiet our voices until the Kremlin finally allows Anatoly Shcharansky to join his wife in freedom. Shcharansky must be released.●

● Mrs. HOLT. Mr. Speaker, it is very difficult for an American to understand the plight of a person such as Anatoly Shcharansky. How can we understand the imprisonment of a person for 15 years because he wanted to emigrate from his native land?

Anatoly Shcharansky remains in prison, in ill health. He has never been a threat to the Soviet police state, but wanted only to leave to join his wife in Israel. Last September he collapsed and was hospitalized for 33 days, then returned to prison.

The situation of Anatoly Shcharansky describes the condition of Soviet society. Thousands are in prisons or remote labor camps because they voiced dissent. It is government by terror. It is the kind of government that the Soviet rulers would extend across the Earth, if they could.

That is why we must all be interested in the case of Anatoly Shcharansky and the thousands of other cases like his. They show us what the future will be if we fail to maintain the will and the strength to resist Soviet advances.

We stand for something far better than the Soviet vision of the world. We cherish the concept of individual liberty and today we demonstrate our commitment to this value by appealing for the freedom of Anatoly Shcharansky.●

● Mr. LENT. Mr. Speaker, this day, March 15, 1982, marks the fifth anniversary of the arrest of Anatoly Shcharansky, one of the most courageous fighters for freedom in the Soviet Union. It is a tragic anniversary for Shcharansky, whose struggle with the heartless Soviet regime has won the admiration of the world. When he was seized by the Soviet authorities on March 15, 1977, there was a worldwide reaction of shock and outrage. It was not until more than a year later that the Soviets brought Shcharansky to a show trial with trumped-up charges of treason, espionage, and anti-Soviet activity. He was sentenced to a 13-year prison term.

Anatoly Shcharansky was really sent to prison because of his success in alerting the world to the Kremlin's unrelenting persecution of Soviet Jews, not because of treason or espionage. His unrelenting efforts to achieve freedom for himself, his wife, and others brought about this harsh Kremlin action.

Shcharansky's arrest and imprisonment has brought a continued torrent of protests from around the world. His fate has become a focal point for United States-Soviet relations. Members of Congress, Senators, and even the President of the United States joined to denounce the false charges brought against Shcharansky, and to demand that he be set free.

But in the past year conditions have greatly worsened for Shcharansky. In September, he collapsed from hunger as a result of an extended stay in a punishment cell, and was hospitalized for 33 days. Upon his release from the hospital in November, he was sent back to Chistopol Prison for 3 years for "continuing to consider himself not guilty." Conditions in prison are much harsher than those in the labor camp.

In January 1982, Shcharansky's mother and brother were permitted to see him for 2 hours. They were his only visitors in the last 16 months. His mother fears that the severe headaches and eye disorders from which he suffered during his first 3 years in prison are returning. She observed that harassment of her son is intensifying, and that he did not seem optimistic about seeing her again.

Mr. Speaker, yesterday, March 14, 1982, I had the great honor of being the first recipient of the Anatoly Shcharansky Freedom Award for 1982, from the Long Island Committee for Soviet Jewry, which has played a major role in fighting for Shcharansky's freedom under the leadership of Lynn Singer. The Long Island Committee has established this award to encourage even stronger efforts to free this unfortunate victim of Soviet persecution.

We must do more for this most heroic man whose only crime is his desire for freedom. If we allow this sort of inhumane treatment to continue without protest, it will simply encourage the Soviets to increase their persecution of the thousands of Soviet Jews who seek, with Shcharansky, to breathe the sweet air of freedom in Israel. I urge each of my colleagues to join in our demands for the release of Anatoly Shcharansky and the thousands like him who wish to leave the Soviet Union. Our combined protests are surely to be heard, even behind the walls of the Kremlin.●

● Mr. BARNES. Mr. Speaker, I appreciate the opportunity to join with my distinguished colleague, Mr. BINGHAM in the special order for Anatoly Shcharansky.

The saga of this man's suffering, hardship, and the wrongful punishment he has endured, compel us all to protest vociferously and again call upon the Soviet authorities to do what is right and release Anatoly Shcharansky. Today, we mark the fifth year of his imprisonment and later this year will bring the fifth anniversary of his marriage to Avital. She has persistently worked for her husband's freedom since her release from the Soviet Union, just 1 day after their marriage. The Shcharansky's have lost almost 5 years of their married life to the shackles of Soviet injustice and inhumanity. We are here today to see that they are soon able to celebrate their marriage in the free world.

Our immediate fear is that Mr. Shcharansky's health, while waning over these years, has grown rapidly worse and he cannot withstand indefinitely the cruel treatment which has created and which prolongs his state of ill health. Last September, Linda Katz of my staff met with Mr. Shcharansky's brother, Leonid, and his mother, Ida Milgrom in Moscow, both of whom at that time has no recent news of his condition. Later in September, his mother received a letter from him dated July 1, during which time he was being hospitalized for blood pressure problems and a generally weakened condition. He indicated then that he weighed about 118 pounds and that his "eyes almost hardly bother me nowadays as I have been reading much less. * * *" Most recently we have learned that Mr. Shcharansky's mother and brother were permitted to visit him this past January. His mother feels that his condition is growing worse, that Soviet authorities have intensified their harassment, and that her son is not hopeful that he will be able to see his mother again.

The Soviet Government has repeatedly imposed this kind of arbitrary, inhumane treatment on innocent human beings who merely want the freedom to emigrate. How long will it take before the Soviet Government acknowledges that freedom and the dream of liberty cannot be locked up, starved, or hidden away, neither can it be psychologically erased. This dream lives in the hearts of the many who are oppressed and will not expire at the hands of force.

Mr. Speaker, I thank my colleague for calling this special order for Anatoly Shcharansky. I know that our protests will help because justice—albeit hard-won—will triumph.●

● Mr. WAXMAN. Mr. Speaker, it is with great sorrow that I join once again with my colleagues in calling for the immediate release of Anatoly Shcharansky.

The treatment Mr. Shcharansky has endured at the hands of Soviet authorities in the past year and a half is beyond belief. The sheer time and energy that is spent by the authorities in oppressing their own people is incomprehensible. But the magnitude of the crime being committed against Anatoly Shcharansky, his family, and humanity itself, is an absolute outrage. I am sometimes at a loss as to how we can best communicate with the Soviets. I know that we speak a different language. But do we not have at least the most basic of human needs in common? Anatoly Shcharansky's right even to live is being abrogated. I stand in awe of him. Through all of the physical and psychological torment, his spirit and his dignity and his will remain intact.

I urge the Soviet officials responsible for the atrocities being committed against Shcharansky, to try for just 1 minute to imagine the sense of outrage they themselves would feel if they were treated as he has been. I urge them to give him the freedom which is his right.●

● Mr. GUARINI. Mr. Speaker, I join with my colleagues today as we mark the fifth anniversary of the imprisonment of 34-year-old Anatoly Shcharansky. We are all aware of the shocking details of his imprisonment and the plight of thousands of Jews in Russia who choose, like Mr. Shcharansky, to practice the religion of their fathers.

We must continue to bring this message to the world in order to underscore the continuing indifference of Moscow of the rights to political and religious freedom of its citizens as guaranteed by the signers of the Helsinki accords. The valor displayed by Mr. Shcharansky in light of his brutal treatment in isolation cells and subsequent weakening from sickness stands in stark contrast to the inhumanity of his captors.

What is Anatoly Shcharansky's crime? For what has he spent 5 years in prison camps with another 8 years yet to serve? He has spent this time imprisoned because he wished to emigrate from the Soviet Union so that he could pursue a freedom which he had not known in Russia. He wished to both practice his religion and escape from the harsh persecution of the Jews in the Soviet Union. However, fighting for these rights, which every American takes for granted, he has become a living example of what he wished to escape. Like many Soviet Jews he was charged with treason and sent to jail on trumped-up charges.

With his health failing, Mr. Shcharansky's mother, brother, and friends appealed for help in trying to gain Anatoly's release. To date government officials have not complied with these requests, and Mr. Shcharansky's health continues to deteriorate.

And yet the Soviets continue their cruel and inhumane treatment. His wife, Avital, was forced to leave Russia in 1977, 1 day after the couple was married. She left with the understanding that her husband would soon follow. To this day they have not seen each other again. With each attempt Mr. Shcharansky makes to get his prayer book back, the Soviets declare harsher measures of punishment.

Mr. Speaker, the words of Ida Miligrom, Anatoly's mother, should be heard all over the world. It is both a message and a question, "Is there any way that this world can prevent the destruction of an innocent victim of arbitrary cruelty?"

I hope for the world's sake that the answer is "Yes." I call upon the Soviet Union to release Anatoly Shcharansky as a signal to the world and to its people that they will follow the Helsinki accord of 1975 and allow its citizens the right to religious freedom and emigration.●

TRAGEDY IN AMERICA'S NURSING HOMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. RATCHFORD) is recognized for 15 minutes.

Mr. RATCHFORD. Mr. Speaker, I take this time in the hope that collectively working together we can prevent a tragedy in the making in America. I refer specifically to the situation in America's nursing homes and the impact on those homes of the budget as proposed and the impact as a result of regulations being discussed by the administration.

During this 15 minutes, I would like to discuss specifically what this means in the country and very specifically how it will impact the nursing homes in the State of Connecticut. When we talk about nursing homes in America, 1.3 million Americans who are there presently under funding received from medicare and medicaid, more often than not we are talking about the frailest of the frail elderly. We are talking about those frequently who are forgotten people and we are talking about Americans who probably are in their late seventies, eighties, or nineties.

My own background in this field is as a direct result of State service in the State of Connecticut. In 1975 the then Governor, Ella Grasso, appointed me to chair an investigation of Connecticut's nursing homes. Through that investigation and through later work as Connecticut's cabinet level Commissioner on Aging, I grew to realize the very sensitive area of concern for far too few Americans.

In Connecticut, for example, as we talk today, there are 30,000 Connecticut residents living in 500 nursing homes; again, the frailest of the frail, those more often than not there through funding for medicare and medicaid and those more often than not there without family and without friends.

A vast majority of the homes in this country and, indeed, in Connecticut, are good homes with good staff and with good quality of care. But I found through my work, first as an investigator and then as a commissioner, that there were very real problems. These problems will only be expanded if we approve a budget which will cut back on inspection, which will cut back on medical supervision, which will cut back on the presence of social workers, and will cut back on a requirement that the day-to-day staff have training

that is updated to the most contemporary medical practices.

Second, if the regulations being talked about are put in place, we are guaranteeing fewer inspections, fewer followup inspections, and the type of tragedy and horror stories that marked nursing homes in America in the 1970's.

Now, what types of abuse did we find in Connecticut?

Wooden frame homes with fire alarm systems that did not work. Frail elderly being housed on the second story of a home without a fire escape.

Patients wandering off and freezing to death because of inadequate staffing and improper supervision.

On the health front, we found patients who were physically abused. We found far too many patients who were overtranquilized, receiving as many as five prescription drugs daily; two of these being of a tranquilizing variety.

We found patients who were too often restrained, kept in their beds or strapped into chairs.

We found cases of understaffing, where to meet Federal codes or State needs we had a nurse being listed by her maiden name and her married name to show that there were two nurses onboard and as part of that staff.

And, yes, we found too frequently patients who were not maintained properly and as a result ended up with bad back cases and bed sores.

We found physical abuse. Two months ago in Connecticut a nursing home operator pleaded guilty to using Federal funds for the development of what—not quality of care in his home, but an X-rated movie, using taxpayers' dollars to produce that movie. And yet it was tolerated.

We found the case in Connecticut in the 1970's of one doctor who went back for the regular examination called for under medicare and spent an average of 5 minutes a patient, reimbursing each and every case himself the maximum under medicare. And he ended up with a nickname. They called him in Connecticut "the Runner."

And yet because of lack of oversight and supervision, this took place.

We found in one home as many as seven corporations set up because there was a cost-related reimbursement system and therefore there was one corporation to buy the land, another to develop the land, another to lease back the facility, another to manage the facility, another to provide cleaning services, linen, and laundry. Seven corporations in one home for reimbursement purposes.

We found patients' funds commingled so that there was no accountability as to what happened to their money.

And, yes, we found in the case of clinical laboratories there we had examinations that were being reimbursed that had not been performed.

Now, if the cutbacks called for under the administration's budget take place, we are inviting further disaster in this area.

Let me tell you what has happened in Connecticut as a result of these cuts.

In my own State, cuts for inspecting nursing homes under the Federal system have been reduced from $738,000 to $332,000. As a result, the inspection staff has been cut from 43 to 30.

Fire safety, five positions deleted.

Dietitians. The number of dietitians is cut in half.

Social work supervisor eliminated. The therapeutic recreational consultants eliminated. And the fiscal auditing scaled back dramatically.

You know and I know if this continues there is going to be only one result, and that will be more abuse.

Then in the area of proposed regulation. The budget is bad enough with what it will produce. But in the area of regulation, in the name of deregulation, the administration would eliminate the requirement that there be a physician director for each nursing home. Now, what that means is a nursing home without a physician directing it. And you tell me what that means. It means quite frankly lack of proper medical care.

Second, proposed under regulations that are being floated by the administration, no requirement for a social worker. What will we end up with? The warehousing of patients. The forgotten and frail elderly will be warehoused in the nursing homes of this country.

Third, the requirement for training, on-the-job training, to stay abreast of medical developments, will be eliminated or scaled back.

If this budget is approved, if these regulations are promulgated, the impact on the frail elderly, 1.3 million in nursing homes in America, can be disastrous.

So from the point of view of quality of care, from the point of view of concern for human dignity, and for the concern for the taxpayer who will pay for services that will be lacking in supervision, that will be lacking in fiscal accountability, and will lack an element of basic human dignity, I call on the administration to revise its budget and above all to submit regulations that will keep a commitment of basic human dignity to 1.3 million very important Americans who happen to be living in nursing homes.

I include the letter to Secretary Schweiker.

Hon. RICHARD S. SCHWEIKER,
Secretary of Health and Human Services, Washington, D.C.

DEAR MR. SECRETARY: I write as a former Commissioner on Aging for the State of Connecticut and the chairman of a State Blue Ribbon Commission to Investigate the Nursing Home Industry to express my grave concern with Federal budget cuts that have made difficult the task of surveying nursing homes for compliance with Federal standards, and with proposed regulatory changes now contemplated by your Department that will effectively deregulate the industry.

While I recognize some of the burdens placed on nursing home administrators as a result of the maze of Federal and State requirements, I also recognize that the Federal Government must not abrogate a most critical function that stems from its enormous financial commitment to the care of those elderly who must be cared for in an institutional setting—the direct regulation of both the quality and safety of nursing homes and the varied services they deliver. I join with virtually every major national organization representing the interests of older Americans in urging you to immediately terminate all departmental activities relating to the drafting of proposed regulations in this area. I was particularly disturbed to learn that present plans call for the publication of the proposed new regulations in the Federal Register during the April congressional recess. Please be certain that a number of concerned members are prepared for that possibility and are committed to conducing public hearings across the country to inform citizens of the travesty that promulgation of such regulations would cause.

There are a number of specific concerns that I have. Given the urgency of this matter, it is my hope that you will provide me with a detailed response as soon as is possible to the following:

(1) Some nursing home operators make an understandable claim when they state that the inspection process is oftentimes duplicative, wasteful, and time consuming. The requisite forms for completion of the inspection process may well take days to fill out. Indeed, in light of the tremendous variation in the quality of nursing homes and the great cost and time associated with the inspection process, those homes with chronic deficiency records should be designated the principal targets for regular inspections. This must not, Mr. Secretary, be construed as an invitation to in any way diminish the Federal role in the inspection process. Since the horror stories of the early seventies scores of substandard nursing homes have been closed the result of increased regulation. While the situation has improved dramatically over the last decade, numerous reports would indicate that cases of fraud, neglect, and inadequate care remain widespread. Your own Inspector General will no doubt be able to verify the littany of cases that are spared prosecution each year. Yet at the same time, you have proposed further reductions in the level of Federal funding to State agencies to perform survey and certification functions. Never has the need for a strong Federal role been greater, particularly when State governments are unable to assume the costs of increased responsibility in this area. I would like you to address this seeming inconsistency, and learn of your own view as what the appropriate Federal role should be in this area.

(2) Further, I would like you to clarify some confusion that exists as to both current and proposed levels of funding for State inspection and certification activities. In the appendix accompanying the President's fiscal year 1983 budget proposals, it is maintained that $27.1 million was expended

for these functions in fiscal year 1981, an estimated $21.1 million in fiscal year 1982, and that $19.2 million is proposed for fiscal year 1983. However, State officials have been informed by Federal officials that only $13.5 million will actually be expended in fiscal year 1982 and that the distribution of funds to the States is based upon this figure. In my own State of Connecticut, funds for inspecting nursing homes and other medicare facilities were reduced from $738,000 last year to $332,000 this year, and its inspection staff has been reduced to 30 persons from 43. This has resulted in the loss of 5 fire safety inspectors, 1 of 2 dieticians, the only social work consultant, and 3 therapeutic recreation consultants. Further, the State is only able to support one financial auditor.

With limited resources, inspections have had to be limited to only those homes with poor performance records in the past. Thus, follow-up of any kind has been curtailed and a schedule for the inspection of other facilities has virtually been abandoned. I would appreciate clarification of these budgetary questions, as well as your comments on the changes in State inspection personnel and procedures that Federal funding cuts as necessitated.

(3) With regard to aspects of the most recent drafts of proposed new nursing homes regulations that I have became aware of, I have several primary concerns. First, existing statute and regulation places the greatest share of the responsibility for the development of an appropriate plan of care for each patient and proper monitoring activities with at least one physician director. The delivery of virtually all services is predicated upon physician approval, and certain patient rights to religious observance, free association, the control of personal property, and other basic rights are subject to the discretion of the consulting physician. Remarkably, proposed new regulations under study by your Department would not only repeal the requirement that every home have at least one physician consultant, but also eliminate the requirement for a social worker. I can think of no two more critical professionals in the determination of appropriate care, and yet these proposed regulations would yield to the operator of the facility in determining what personnel, if any, are best equipped to discharge these critical functions. I would appreciate your comments on these changes that are contemplated, and in addition any information that you might have as to suggested changes in requirements for pharmacy consultation, and the use of other outside resources.

(4) Finally, I am vehemently opposed to any changes that would diminish or eliminate requirements that nursing home personnel be provided with in-service training, that procedures be established to prevent the spread of communicable diseases, and that would lessen in any way existing requirements for the adherence to strict fire and safety codes. Your thoughts as to a continued federal responsibility in these areas would also be most helpful.

It has been asserted by those in your administration responsible for early drafts of these regulatory changes that the nursing home industry in America is over-regulated and that reform in this area will save the Federal Government substantial sums of money. It is my contention, Mr. Secretary, as one who understands these issues quite well that in perhaps no other industry has the effect of increased regulation been so positive. In fact, there are many who share my view that there are areas that demand Federal oversight where it does not now exist, and that there are relevant statutes and regulations that unwisely go unenforced. Further, I fail to see how closer scrutiny of nursing home financial activity and levels of care will result in greater expense to the Federal Government. Rather, I suspect that such action will only help constrain medicare and medicaid costs by rooting out fraudulant claims, and by assuring the delivery of appropriate services to those who need them.

Should you approve the promulgation of these regulatory changes, Mr. Secretary, you will do a great disservice to the some 1.3 million elderly that reside in nursing homes today under the medicare and medicaid programs. I fear that the deregulation of the nursing home industry that these changes would effect might represent a major step backward in our critical effort to provide safe and adequate care to those who need it. I, for one, am prepared to take whatever action necessary to prevent the implementation of any changes in existing standards that will return us to the tragedies and the disgraces that marked the industry only a short time ago. I urge you, Mr. Secretary, to reject any proposals for changes in this area. I would be more than pleased to work with you and your staff in the development of changes where the regulatory burden on the industry is genuinely excessive and unnecessary, and on areas where the Federal role must be strengthened.

I thank you for your personal attention to this matter of great importance, and look forward to your immediate response to the concerns mentioned here.

Sincerely,

WILLIAM R. RATCHFORD,
Member of Congress.

PRETRIAL DETENTION

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, I wish to point out that this week I am introducing legislation which deals with the all-important and very serious issue of crime control.

The bill that I introduce this week permits pretrial detention of certain dangerous and certain violent criminals. The bill rounds out my legislative program which is designed to curb and control crime in this country.

Last fall I introduced three bills which are designed to toughen the Federal laws to help curb America's rising crime rate by strengthening the existing mandatory penalties for using or carrying a firearm during the commission of a felony, for establishing constitutional procedures for the imposition of the death penalty in Federal cases, and providing for Federal criminal penalty for certain robberies involving drugs.

This bill that I am introducing this week permits the Federal courts to deny bail to persons whose release would jeopardize the safety of the public. Under this bill's provisions, a hearing to determine if someone accused of a crime should be detained prior to trial is mandated in all cases involving crimes of violence, an offense punished by life imprisonment or the death penalty, and certain narcotics cases.

We must do all we can on the Federal level to stop the rising crime rate. This bill together with the other legislation I have introduced should be a step in the right direction. I urge my colleagues to support it when the time comes for debate and vote on this floor.

DEFENSE CONTRACTOR LOBBYISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, my congressional district is the largest timber-producing district in the United States of America, and we are presently in the worst unemployment situation since the 1950's. The reason for this is the high interest rates that have put a depression on the housing industry and the huge Federal deficits over the years that are projected to be even larger in the years to come.

And so it was when I saw in the Washington Post this Sunday one more story about defense contractors trying to get more of our Federal budget than they already have; when I saw in the Washington Post a story by Walter Pincus describing the lobbyists, the defense contractor lobbyists on the Hill who are trying to get even more money for their weapons machines with vast cost overruns, trying to gobble up more of the Federal taxpayers' money, putting my congressional district further out of work, I felt deeply outraged.

I noticed in the beginning of the story it talked about the Army's AH64 Apache attack helicopter, one of the most costly and controversial of the Army's new weapons programs. The story said that in the past few months the Army's projected cost estimate for the first AH64's has risen almost 40 percent, making the entire $6 billion, 356-helicopter program a prime target for legislators seeking to cut defense spending—as it should be.

But then the lobbyists are coming into town to protect their gravy train at the cost of the rest of the Nation's employment and, in my estimation, weakening our national security.

It so happens that one defense industry lobbyist was at a dinner several weeks ago at which one of my aides was present and they began discussing foreign policy and national security. My aide mentioned that he worked for me and that I opposed the military involvement in El Salvador. And this individual leaned over to my aide and said, "Do you know how much money

there is to be made in El Salvador? We are going to make that money."

Now, that is the statement of the man, one of the men coming in, trying to get more money for their defense contracts.

Was national security at stake? No. Was our position in the world at stake? No.

It was how much money could the defense industry make on a conflagration such as exists in El Salvador.

He leaned over to my aide, and said, "Do you know how much money there is to be made in El Salvador? We are going to make that money."

Another story in the Washington Post this year has as its headline "Defense Spending Seen Hurting Economy" by Hobart Rowan. It begins:

President Reagan's Council of Economic Advisers says the sharp increase he has proposed in defense spending over the next 6 years will create "adverse economic effects" as the Pentagon competes with rising civilian demand for durable goods.

And so we are throwing money at the Pentagon to the detriment of our economy, to the weakening of this Nation.

One person in this body was quoted in the newspaper as saying that we have thrown so much at the Pentagon that they are simply vomiting money, and vomiting does not create national security or the confidence of our people in our Defense Establishment.

I for one want the strongest possible defense. I want our shores to be completely secure. I want our military to be proud and confident as well. And I will support any valid, good, military program that will increase our security. But the billions and billions and billions of dollars that are being thrown at the Pentagon for weapons systems with cost overruns, with waste and extravagance is weakening our national security.

A story from the Wall Street Journal. A new troop carrier leaps hills, fires on the run. But after 20 years of work its price tag has hit $1,880,000 each.

□ 1230

The M-1 tank that requires a bulldozer to go out and dig its holes for it, and the M-1 tank itself riddled with cost overruns, and a transmission so sensitive that it does not work much of the time—how is this helping us? A stronger defense it is not.

But, what does this administration want to do? Build more hydrogen bombs. Build more Apache helicopters, and M-1 tanks and sitting ducks nuclear carriers at a cost of billions and tens of billions of dollars, and thereby weakening our economy. I believe this is the worst possible thing we could do to keep this Nation secure and confident, and I plead with this body and I plead with the administration to listen to the people of this country, who know—who know that the first and foremost thing we must do for our security is have a strong, confident people and an economy that is providing jobs for the people.

But, I want to tell you something. In my congressional district we are fast approaching 20-percent unemployment. In some parts of my district we have 50-percent unemployment, where the timber industry is brought to a complete halt because of high interest rates depressing the housing industry. We need a balanced budget. I, for one, have voted for a balanced budget for the last half-dozen years, voting against the extravagance in all the spending programs. There is not a Federal program, not a single one, that did not have extravagance in it and could have been cut.

But, my people say, "We want to go back to work and we want a balanced budget, but we do not want to do it at the expense of the poor or the needy, and now even the middle class, who are being hurt badly, while the wealthy get the tax breaks, while the oil industry and the nuclear industry get enormous tax loopholes and tax breaks. We want it to be fair, and we do not want to cut so deeply that our entire educational system is undermined, our true hope and our true investment for the future, our educational system, that which will produce the real people, the young people of today who will be the producers of tomorrow and the managers of tomorrow. They are the investment that we must make, not in simple gadgets that create more junk and not in more defense boondoggles that weaken our security. "So, therefore, we want a fair and balanced cut in our Federal programs to balance the budget, and one where everyone shares and shares alike in the cuts, in the tax cuts and in the budget cuts."

One last word in conclusion, and that is, when we talk about military spending in relation to the gross national product, we have got to remember one thing; that is, when a barber raises his price of his haircut, that increases the gross national product. When there is an automobile accident or somebody is taken to the hospital and the costs are counted up, that increases the gross national product. But no goods are produced and no services are really produced. But, when the military budget is expanded, that takes hard goods and that takes the core of our economy's resources and puts pressure on our economy and gives nothing in return in terms of goods and services for the people. Certainly, it is national security if the money is spent wisely, but in terms of the economy the military budget, the money put out for the military budget, does not produce goods that people are then going to buy in the economy.

So, it is the most inflationary kind of spending there is, and draws on our resources more acutely and deeply than any other kind of spending, more than when the barber raises his price. It puts, in effect, nothing back into the economy.

So, in order to balance the budget we simply must stop the cost overruns of these enormously expensive weapons systems and get the military budget back in line and get a lean, taut, military that we can be proud of and that the military themselves can be proud of; get the budget balanced and by putting people in this country back to work building a stronger economy on which our entire security is based.

THE 1982 HOUSING ACT HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, tomorrow the Subcommittee on Housing and Community Development will begin hearings on the 1982 Housing Act.

Last year's housing hearings were the most extensive ever undertaken, and this year again the subcommittee will once again be extensive and comprehensive.

Housing is as vital a sector as any in the American economy. The housing industry today is in the deepest and longest distress since the beginning of statistical measurements of the industry. Nor is the prospect for improvement cheerful, with the Reagan economic policies likely to keep the cost of mortgage money out of sight, and with the Reagan political aim of reducing the size of the housing industry permanently, though why this should be done has never been explained. Last year, housing industry lobbies were content to watch the Reagan program enacted; this year they see themselves as victims of that same policy, and they are anxious for help.

The Housing Act of 1982 aims to provide help for the housing industry, and it also aims to provide help for those citizens who need to find low-cost housing.

There are those who would say that low-cost housing is not the same as housing programs aimed for the recovery of the industry. But I say that if the middle class cannot afford housing, then the poor can afford it even less. If we help only some of those who need help, and exclude those who are in the greatest need, we are committing a grave error. Those who need the greatest help do not belong to and cannot afford to contribute to political action committees, and I hope that

the day will never come when our legislation speaks only to the need of those who can funnel contributions to political campaigns.

I believe that we have to have a housing policy that reaffirms the historic national commitment to adequate housing for every citizen, and the housing bill before my subcommittee would do exactly that—reaffirm our historic national commitment.

Last year, for the first time ever, the Housing Subcommittee heard from the most humble kind of people—ordinary residents of public housing, ordinary farm-workers desperate to find decent housing—as well as from the likes of administration stalwarts such as David Stockman. That is the way it should be. Our policy affects the poor and humble, and so it must be shaped with them in mind—not the whims and fancies of administrators whose theories last less long than their own tenure in office.

We must have a comprehensive and effective housing program. That is what the 1982 housing hearings will demonstrate, and that is what the subcommittee bill aims to achieve.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Thursday, March 4, 1982. Had I been present, I would have voted:

"Aye" on rollcall No. 16, approving the Journal of Wednesday, March 3, 1982;

"Aye" on rollcall No. 17, on agreeing to resolve in the Committee of the Whole House;

"Aye" on rollcall No. 18, passage of H.R. 5118, to provide water to the Papago Tribe of Arizona and to settle Papago Indian water rights claims in portions of the Papago Reservations; and

"Aye" on rollcall No. 19, passage of Senate Joint Resolution 142, to authorize the President to designate March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.●

THE ISSUE IN CENTRAL AMERICA: JUSTICE AND DEMOCRACY

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the Washington Post for Sunday, March 14, contained three articles on the situation in Central America which were particularly interesting because, despite the diversity of background and viewpoint of the writers, they all reached a similar conclusion. That conclusion: That we must cease allowing ourselves to get into the position of defending the indefensible status quo in countries where the population is rebelling against military repression and economic injustice and must develop ways of assisting the growth of centrist democratic elements.

One article is by John Bartlow Martin, former Ambassador to the Dominican Republic. He states that the causes of the trouble in Central America are simple, "Indeed they are one: Injustice." Ambassador Martin goes on to say that the debate now going on between the Congress on the one hand and Secretary Haig on the other seems to be based on a dangerous assumption: That if Haig can produce irrefutable evidence that Nicaragua, Cuba, and the Soviet Union are aiding the guerrillas in El Salvador, then we would be justified in intervening. Martin points out that that is the wrong question, that we should be debating a political, not a military, solution and policies to help shore up the vital center against the extreme right and the extreme left.

A second article is by William E. Colby, former Director of the Central Intelligence Agency. He makes the point that the United States must have a better choice than a brutal dictator or a hostile terrorist. He says that the missing dimension must be vigorous support of decent, responsible centrist leadership and political forces in Central American countries.

The third article is by columnist Richard Cohen, who makes up for the fact that he is not a specialist on Latin America by the eloquence with which he expresses what I am sure are the feelings of most decent Americans. Let me only quote here the beginning and ending of his article:

I have a dream. I dream that someday the United States will be on the side of the peasants in some civil war.

It is a perversion of history that a totalitarian regime like the Soviet Union gets to use the rhetoric of social progress and we get stuck on the side of privilege and reaction. It would be nice to proclaim our ideals, to have the poor and underprivileged of the world look to us—shout our slogans and consider us their friend.

Mr. Speaker, the full text of the three articles follows these remarks:

LISTEN TO LOPEZ PORTILLO

(By John Bartlow Martin)

Only a few weeks ago it appeared we were headed straight for military intervention in El Salvador. Now, thanks to the press and various members of Congress, and to Secretary Haig's self-inflicted wounds, even the secretary, having at last listened to what the Mexicans have been trying to tell us, seems to have paused in his headlong charge. Perhaps we can use the breathing space to ask what it is that we are about.

Of 199 U.S. military hostilities abroad without a declaration of war between 1798 and 1972, no fewer than 18 took place in the Caribbean. Early in this century, we intervened there mainly because of our anti-Kaiserism. Since World War II we have intervened there mainly because of our anti-communism. Usually we have cried panic over the Panama Canal.

Thus our Caribbean policy has always swung on a wider hinge—the hinge of our global (and domestic political) concerns. Isn't it about time we devised a policy for the Caribbean itself? We have not had one since President Johnson killed the Alliance for Progress and President Nixon buried it.

Recently, President Reagan set forth what his trumpeters called a new Caribbean Basin Initiative. Its three main proposals were duty-free entry of Caribbean products into the United States (with certain limitations), incentives to U.S. private enterprise to invest in the Caribbean and supplemental aid.

But many Caribbean products already enter duty-free, and surely President Reagan knows it is highly doubtful that Congress will extend the list over the anguished outcries of domestic industries and labor unions. Surely he also knows that what we think of as investment looks to the peoples there like Yankee imperialism. Indeed, in many Caribbean countries, it is doubtful that U.S. private enterprise has much of a future at all—they don't want it. As for supplemental aid, most of it will go to El Salvador.

Reagan's whole new initiative is tightly tied to his Caribbean crusade against Nicaragua, Castro and the Salvadoran guerrillas. We pay heed to the Caribbean only when something goes wrong. We are the only great power that does not take its near neighbors seriously.

Now a new cycle of revolutions from below has begun. In Nicaragua, the Sandinistas have toppled Somoza. In El Salvador, they seem about to defeat the government we support. In Guatemala, the Indians are rising.

What are the causes of this trouble? They are simple. Indeed, they are one: injustice. In some places, 400 years of it. In some countries, out in the countryside, campesinos are poor even by Asian standards—they never see $50 a year, yet their transistor radios give them a hint of what life could really be. For intellectuals, and for campesinos come to the city, injustice means military repression. But always the root cause is that too few people have too much land and money; too many have too little.

Time and again we have had a chance to join these revolutions. Time and again we have defended the indefensible status quo. I can think of only one decisive turning point where we threw our weight solidly against dictatorship: when President Kennedy sent the fleet to the horizon off the Dominican Republic to force out the heirs of Trujillo.

But our present national debate is not addressed to that issue. Instead, it is addressed to whether foreign communists are or are not aiding the Salvadoran guerrillas. Haig sees a dark conspiracy running straight to the Salvadoran guerrillas from Nicaragua from Cuba from the Soviet Union. But Castro would seem to have more to gain from accommodation with the United States than from helping the Salvadoran guerrillas. The Soviet Union would scarcely be eager to take on a second Latin client like El Salvador.

89-059 O-85-3 (Pt. 4)

Just how are these evil conspirators running the Salvadoran guerrillas from Managua? By radio? By telephone? By courier? By satellite or smoke signal? I have had some experience with small Caribbean countries, and the notion that an apparatus in Managua could direct the activities of guerrillas in the caves and mountains of El Salvador is simply laughable.

Behind the debate now going forward between the press and Capitol Hill, on the one hand, and Haig on the other, lies a dangerous assumption—that if indeed Haig can produce "irrefutable" evidence that Nicaragua, Cuba and the Soviet Union really are aiding and directing the guerrilla movement in El Salvador, then of course we will be justified in intervening.

But that is the wrong question. We should be debating a political, not a military, solution to the Caribbean's troubles—policies to help shore up the vital center against the extreme right and the extreme left, policies to bring peace. We should start with the proposals of President Lopez Portillo of Mexico.

CENTRAL AMERICA: CAN WE SHORE UP THE CENTER?

(By William E. Colby)

In the cries of El Salvador's parallel to Vietnam, emotion overpowers rationality. A passive electronic-listening warship in international waters is equated to the Tonkin Gulf incident. M16 rifles in the hands of three American advisers are equated to the landing of the Marine combat forces in 1965. The problems of any guerrilla conflict are equated to the final defeat of South Vietnam at the hands of North Vietnamese artillery and armor. Perhaps we will also be presented with a desperate assault on the American Embassy in San Salvador for its media impact on American will—whatever its failure in practical terms.

Most disturbing is the view of the great American nation frightened of the prospect of military action, even in a dispute so close to its interests. What doubts must assail allies dependent on our treaty obligations of collective security as they observe this quivering panic produced by a few guerrillas in a neighboring country?

Yet there is some basis for the reaction. The frustration of the American military effort in Vietnam showed that something was wrong. The ponderous American military machine does not seem applicable to subversive war through proxies. The overthrow of the shah of Iran raises questions about the stability of an authoritarian force against revolutionary passion, whatever the economic and social improvements it may be making.

President Reagan's proposal for the Caribbean Basin and Central America properly allocates $5 for economic and social programs for every $1 spent on security assistance. This recognizes the deep-seated basis for revolt within Central America's oligarchic societies, grinding poverty and historically well-founded suspicion of the Yankee role. Only by such longer-term, positive economic and social programs can a change be made in these fundamentals on which revolutions are so easily founded.

In the meantime, security assistance is also essential to those nations struggling for their existence and the hope of a more democratic future. Not only are the revolutionary forces clear in their virulent hatred of the United States, but the examples of Iran, Vietnam and Cuba and, increasingly, Nicaragua also demonstrate that their authoritarianism will be more intense and brutal than what they propose to replace. A short-term security contribution to prevent an easy success of the proxy Soviet and Cuban adventure is well warranted.

But another dimension of strategy is glaringly absent: the political. The administration looks to elections to provide legitimacy in the nations of Central America, as though this will automatically produce popular allegiance. This is a nice theory, but it is obviously inadequate. It assumes that, if the revolutionary forces were to join the elections and win them, the outcome would be quite satisfactory. It also ignores the prospect that the most oligarchic and brutal forces may win elections, even free ones. The first outcome gives power to those hostile to the United States. The second ensures repudiation by American public opinion.

The United States must have a better choice than a brutal dictator or a hostile terrorist. The missing dimension must be vigorous support of decent, responsible centrist leadership and political forces in these countries.

In the 1950s and '60s, this duty would have been quietly assigned to the CIA. In Western Europe, it was remarkably successful in supporting centrist forces against communist subversive compaigns. But after the orgy of recrimination against our intelligence agencies in the mid 1970s, it is clear that assigning this mission to the CIA would be quickly revealed and denounced.

It is not necessary to turn to the covert approach. Many of the programs which in the 1950s were conducted as covert operations now are conducted quite openly and consequently without controversy. Radio Free Europe and Radio Liberty have been turned over to the Board of International Broadcasting. The Asia Foundation and projects to build labor and agricultural organizations are now supported out of official AID and similar funds.

One or more foundations or similar organizations should be openly established to assist the development of centrist democratic elements in Central America. They should be autonomously managed by appointed boards and funded by Congress. Schools, publications, activist organizations, congresses and the like should be generated and assisted, to enlist supports in the effort to produce a better society under local leaders. Such foundations should welcome the support of political groups and forces from elsewhere in Latin America.

These foundations would of course have to obtain approval from local governments for their activities, and to act in the open. But official American support could be expressed by sympathetic ambassadors in strong terms. This would undoubtedly arouse protests from communist and proxy groups throughout the world. These should be given the same consideration that we give to the distinction they pretend between the activities of the Soviet government and those of the Communist Party of the Soviet Union and its international fronts.

This political factor would give cohesion to the economic, social and security elements of our strategy in Central America. Rather than waiting hopefully for political results to come from economic and social programs, it would mobilize the population to achieve them. Rather than pretending neutrality among the potential winners of free elections, it would link the United States with dynamic and healthy leadership. And it would have no historical reference point in Vietnam.

PIPE DREAM

(By Richard Cohen)

I have a dream. I dream that someday the United States will be on the side of the peasants in some civil war. I dream that we will be the ones who will help the poor overthrow the rich, who will talk about land reform and education and health facilities for everyone, and that when the Red Cross or Amnesty International comes to count the bodies and take the testimony of women raped, that our side won't be the heavies.

It would be nice for once if our side did not wear gaudy military uniforms and hide their eyes behind dark glasses. I would love it if our guys wore the suspenders and the wide hats and slept at night in the countryside instead of behind the guarded walls of some villa with a wife and a mistress and a Mercedes Benz.

I suppose that what I am saying is that I would like us once to be on the side of history. It would have been nice to have won in Vietnam and China before that. It would have been terrific to have been the Shah's enemy and the friend of the people of Iran. It would have been just great to have not been the buddy of the Somoza family in Nicaragua and the pal of every dictator who sends his money to Switzerland and his children to American military schools. Maybe then things would have turned out differently. Maybe then we would not be looking into the face of anti-American zealots like Khomeini.

It would have been wonderful if we were the country the Sandinistas turned to when they started their revolution in Nicaragua. Why not? We believe in democracy and equality and in freedom. This is the country that was formed in a revolution and that to this day is so unremittingly democratic that, at the Republican National Convention, the 55-mile-per-hour speed limit was denounced as government oppression.

Even now you have to wonder why we have this argument with Nicaragua. Why do we have to bolt in panic from any country that calls itself Marxist or socialist? So what if it is. China is communist and it is our new buddy. Its chief enemies are other communist countries: the Soviet Union and Vietnam. The Vietnamese, in turn, fight the Cambodians and the Cambodians fight each other. Communist cohesiveness exists only in American myth.

No matter. We are sort of at war with Nicaragua. The president has authorized $19 million so that CIA can "destabilize" the Sandinista regime. When the Libyans allegedly sent 10 or 12 terrorists here to "destabilize" our government, we predictably went nuts. Nations can not do these sorts of things to other nations. So why then are we doing it to the Nicaraguans?

Once again, we are the heavies. Once again, we play the role of the bully. We are, after all, past masters at destabilization. We have destabilized Nicaragua before with the Marines and we destabilized Guatemala with the CIA and we tried to destabilize Fidel Castro at the Bay of Pigs, but he just would not destabilize. Now Castro is our implacable enemy.

Only a dreamy romantic could overlook the realities of big power politics. You sometimes have to make unholy alliances—deal with the sort of people you would not have to dinner. History can ensnarl you. We are paying now in Latin America for the sins of the United Fruit Co., for a patronizing view of Central and South Americans that

showed itself in a thousand movies starring women who wore bananas on their heads.

And only an idiot could overlook that rhetoric is only words. The North Vietnamese had terrific slogans, but they were silent about boat people. Sometimes oppressive right wing regimes are replaced by more oppressive left wing ones—sometimes atrocious ones like the Khmer Rouge in Cambodia.

But that's no reason to settle always for the status quo, to attach ourselves like barnacles to whoever is in power and to compel the forces of change to look elsewhere for support. It is a perversion of history that a totalitarian regime like the Soviet Union gets to use the rhetoric of social progress and we get stuck on the side of privilege and reaction. It would be nice to proclaim our ideals, to have the poor and underprivileged of the world look to us—shout our slogans and consider us their friend.

There are difficulties with this, I know. Practical considerations, I know. Don't worry.

It's just a dream.

A "DO-IT-YOURSELF" CONGRESSIONAL BUDGET RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, there follows my testimony today before the Senate Budget Committee in which I suggest the Congress can resolve the budget crisis itself by linking repeal of the 1983 tax cut to the upcoming debt ceiling vote, and by attaching a congressional expression on monetary policy to the budget resolution. My testimony follows:

This country is in trouble. High interest rates, recession, unemployment, and bankruptcies are tearing us apart at home and eroding our position in the world. I am not one of those who sees a depression just around the corner. But I do see a destructive period of stagnation ahead, unless we change our course.

And on the course immediately ahead, there is a veritable minefield of dangers. The first budget resolution must be approved not later than May 15. Already there is talk that that budget resolution is an impossibility. Such a result, which would mean the end of the budget process, would be a tragedy.

Equally imminent is necessary Congressional action on an increase in the debt ceiling, already over a trillion dollars. That ceiling will be reached in early May. Already freshmen Republicans in the House are announcing their unwillingness to vote for an increase in the debt ceiling. Already Democrats in both bodies are wondering why they should undertake an unpopular vote to pierce the ceiling, with its implied endorsement of the deficits in the Reagan budget.

Failure to have a bi-partisan budget resolution in place by early May would court an extraordinary peril. In the absence of a bipartisan alternative to the Reagan budget and its multi-hundred billion dollar deficits, a resolution to extend the debt ceiling will become a referendum on the economic performance of the Administration. I need not tell you that in such a referendum the Administration will fail. Today, Democrats and Republicans alike recoil from the harsh civilian spending cuts, the extravagant waste of money on defense, the intransigence on taxes, from the deficits, and above all from the manifest economic failure of the President's program. Few Members from either party would stand up to be counted in favor of the Reagan deficits on such a vote.

Thus the great drama before us must unfold to its conclusion in a matter of weeks—between now and the middle of May. The actors in the great drama are all identified—the two Houses of Congress, the two great parties, a President locked into his program and unwilling to give an inch, and a central bank bent on over-tightening money no matter what the cost in human misery.

Is there a way out?

I believe there is. It is the United States Congress—Senate and House, Republicans and Democrats—which must come to the rescue of the Nation's beleaguered economy, and must do so within the next sixty days. It would be nice if the President and the Federal Reserve were willing to enter into a fair compact with the Congress. But the clock is running, and we cannot wait.

Let us not ask Mr. Reagan how Congress shall compose its budget. Let us not ask Mr. Volcker how Congress shall exercise its Constitutional responsibility (Article I, Section 8) to "coin money, regulate the value thereof".

Let us not ask them. Let us tell them. Here is how.

In quick order, we need two pieces of legislation:

1. A First Budget Resolution, with the following four features:

a. Repeal the July 1, 1983 ten percent income tax reduction.

b. Increase military spending at no more than 5 percent per year in real terms—about half the real rate of increase which the President seeks.

c. Hold non-military spending to 1982 levels in real terms.

d. Direct the Federal Reserve to adjust its monetary targets and so allow interest rates to fall.

2. A bill on the debt ceiling and taxes, which must originate in the House Ways and Means Committee, which provides:

a. Whatever debt ceiling adjustment is needed to accommodate the recession-induced deficit.

b. A repeal of the July 1, 1983 income tax reduction.

In the present circumstances, the clear burden of compromise lies with the supporters of the President's program. The sources of our difficulties are the excesses of the program proposed by the President and enacted by the Congress last year. This is no secret. The tax cuts were too large. The defense buildup is vast, extravagant, and wasteful. Monetary policy is too tight. To command bi-partisan support, you cannot ask the poor, working people, the middle class and the elderly to accept a greater burden of cuts, while these three facets of the Reagan program escape revision. If the President refuses to acknowledge this, then the realistic leaders of Congress on this Committee must simply sweep the President out of your way.

Let me lay out for you what I, and the Democrats on the Joint Economic Committee, believe to be the four basic realities with which your Committee must cope.

ON TAXES

There is no way to escape modification of the Kemp-Roth income tax reductions. You can do it by subterfuge or you can do it directly, but you must do it. The ten percent reductions scheduled for July 1, 1982 and July 1, 1983 are the prime source of the deficit in the near future. No amount of fiddling with corporate taxes, however desirable, can close the gap opened by Kemp-Roth and indexing. Large-scale loophole-closing, however desirable on the merits, cannot be seriously proposed for immediate action. And excise or sales taxes currently under discussion in some circles are an insult to working people and will not pass.

The single most dramatic and effective action this Committee can take would be to propose the repeal of the July 1, 1983, 10 percent tax reduction. To ensure passage and to guarantee the President's signature, such a repeal should be attached to the debt ceiling legislation and both should be presented for immediate action.

Given such a guarantee of lower deficits, conservatives, moderates, and newly awakened anti-deficit liberals would support you. A major crisis in the affairs of the government would be averted. Given this prospect of fiscal responsibility and lower interest rates, the financial markets would relax. And even the President would be forced to thank you, in secret, for saving him from the worst aspects of his own folly.

On indexing, which takes effect in 1985, action may also be necessary, in order to prevent untenable budget deficits down the line.

ON MILITARY SPENDING

It is universally agreed, outside the Pentagon and the White House, that the military buildup proposed in the President's budget is too large and too rapid. Very few experts in national security matters argue that the size and pace of the buildup is necessary on national security grounds. Many, indeed, fear damage to national security, which may stem from initiating another cycle of feast and famine in military affairs, as this year's excess is corrected by next year's retrenchment.

On economic grounds, the pace and extent of the buildup entail dangers comparable to, and perhaps greater than, those experienced at the time of the Vietnam war. The Joint Economic Committee held a series of hearings last year on the inflationary dangers of production bottlenecks, labor shortages, and unbalanced macroeconomic policy resulting from the current buildup. We urge that the buildup be scaled back.

By how much? In this decision, the requirements of sound military and budget policy must weigh against the need for rapid agreement. The compromise initiated by your Chairman, Senator Domenici, which would limit defense spending growth to 5 percent after inflation, is a good one. I recognize that there are those in my own Party, with great expertise on military matters, including the ranking Democrat on this Committee, Senator Hollings, who urge a tighter limit on both security and budget grounds. But agreement on a complete bypartisan budget package ought not be held hostage to achieving a lower target than the 5 percent real growth to which Members of Congress can now readily agree.

ON CIVILIAN SPENDING

Congress in 1981 enacted, at the President's request, sharp cuts in discretionary social programs, in grants-in-aid to state and local governments, and in entitlements. Many Members voted for these cuts in the belief that the economy would respond to the full Reagan program with a surge of investment and growth, and so severe hardship would not result. Specifically, many

cuts in programs supporting working people and the poor, including unemployment compensation, nutrition programs, Medicaid, AFDC, and labor training assistance, were enacted in belief that the demand for labor from the private sector would rise, absorbing the affected individuals in productive private sector jobs.

This of course did not happen. Those who lost CETA jobs are on the street; those who lost eligibility for Medicaid and welfare and day care and nutrition are eking out a reduced existence on the dole; and many formerly productive workers are bitterly in need of protection which our unemployment compensation program no longer provides. Fiscal distress in state and local government is also widespread. In the Congress, those who believed in the Reagan program have had their hopes dashed. Those of us who doubted have had our fears confirmed.

In ordinary times, the situation we now confront would lead to irresistible pressure to increase spending for public works and social welfare programs. I believe that, given the deficits and the need for a rapid, bi-partisan agreement, this pressure can and should be resisted, with small exceptions in the areas of extended unemployment compensation and labor training.

Further consideration of deep cuts in social spending at this time, however, would doom any prospect of bi-partisan cooperation to prevent a fiscal crisis when the debt ceiling is pierced, and would lead directly to the breakdown of the budget process. Sharp cuts in the social sector have already been made, and we cannot continue to ask that the burden be shared unfairly.

The First Budget Resolution should hold the line on discretionary social spending in real terms at 1982 levels. This would imply neither a cut nor an increase in current policy and programs. While many in my own Party would regard such a level of spending as inadequate in the face of widespread distress, I would again urge that this is an area where Democrats can compromise in the interest of rapid agreement.

ON MONETARY POLICY

We now come to a final, and especially difficult area. It is not the habit of the Congress to address monetary policy as part of the budget process. This year, however, we must chart a new course.

Monetary policy will determine whether the program you develop in the areas of taxes and spending will succeed or fail. If interest rates fall, you will succeed; if interest rates do not fall, you will fail. Any program to control the deficit in fiscal years 1983 through 1987 must therefore be accompanied by a guarantee from the Federal Reserve that the corresponding benefit—lower interest rates—will come into effect at once. The only way to assure that result, in my judgment, is to write the intent of Congress in the matter of monetary policy into the First Budget Resolution itself.

The recession, and the high interest rates which are the recession's proximate cause, are not simply and solely the consequence of large prospective out-year budget deficits. They result from the interaction of those deficits with the sharply contractionary monetary policy pursued by the Federal Reserve in 1981. And if monetary policy is not corrected, curing the future deficits will be at the same time more difficult to do and far less effective.

In its Economic Recovery Program of February 18, 1981, the Administration set out a reasonable and moderate course for monetary policy from 1981 through 1986. They suggested that the growth rate of the monetary aggregates be reduced slowly from 1980 levels to one-half those levels in 1986. Since the growth rate of M1B was 7.3 percent in 1980, the Administration's original objective implied a reduction in annual money growth rates of 3.65 percentage points over six years, or a progressive reduction of about 0.6 points in money growth in each year. This was the assumption that underlay the Administration's original economic forecasts, and its fulfillment would have meant money growth averaging above 6 percent annually in 1981 and 1982.

Instead, as you know, money growth in 1981 was only 2.2 percent, well below the bottom of the Federal Reserve's target range, and about one-third what the Administration originally assumed. This sharply reduced money growth is directly responsible for high interest rates and for the recession, both of which add hugely to the deficits, present and future.

The Administration made the mistake of supporting the sharp reduction in money growth below their original assumptions in 1981. Now they and the Federal Reserve have compounded the error, by adopting a new target range for 1982, 2.5-5.5 percent, whose rate of growth is lower than for 1981, and whose base, or point of departure, is the depressed level of the money stock in the fourth quarter of 1981. Now, even if the Federal Reserve hits the top of its target range in 1982, the resultant level of the money stock will be far below the Administration's own original assumptions for the end of 1982, and will be inconsistent with economic recovery and lower interest rates this year. Without economic recovery and lower interest rates, you will not begin to approach a balanced budget. Even deficits lower than the once unthinkable level of one hundred billion dollars will be beyond your grasp.

There is a simple solution to this problem. The Federal Reserve should return to the original targets for monetary policy established by the Administration, and endeavor to meet those targets on a two-year rather than an annual basis. This would require undoing, in 1982, the super-tight money inflicted on the economy in 1981; in particular it would require abandonment of the excessively restrictive 2.5-5.5 percent target for M1 which the Federal Open Market Committee formally adopted last month. With the targets relaxed, markets would no longer fear that the present spurt in borrowing and money creation will lead inevitably to tighter money and higher interest rates in the immediate future, and so short-term interest rates would fall. And the Federal Reserve would benefit from the greater flexibility, since the true source of current high money growth is not excess demand and purchasing power, but rather distress demand from companies to fund inventories and meet payrolls in the face of falling sales and recession.

Such a biennialization of the monetary targets would in no way imply retreat from the goal of fighting inflation. In 1982, with manufacturing capacity utilization at 70 percent and unemployment near 10 million, there can be no inflationary pressure from a more relaxed monetary policy. Indeed, as interest rates fall, the short-run inflationary pressure of interest on costs and from the federal budget deficit will subside. And, for 1983 and after, the Federal Reserve would simply return to the gradualist path prescribed in 1981 by the Administration, a path which all agreed was consistent with continued progress against inflation.

How to convey such an instruction? Section 301(a)(6) of the Budget Act specifically authorizes the Budget Resolution to include "such other matters relating to the Budget as may be appropriate to carry out the purposes of this Act." There is no additional subject more appropriate to the debate on the budget this year than the course of monetary policy. Indeed, if we do not have such language, many Members of Congress will hesitate to impose further fiscal sacrifice on their voters. We Democrats in particular are past the point of buying a pig-in-a-poke; we certainly will not buy one from the Administration, and I doubt that many Democrats will buy one from the Federal Reserve.

The First Budget Resolution is the appropriate vehicle for Congressional instruction to the Federal Reserve. Because it is a Resolution, which goes into effect on passage without benefit of Presidential signature, an instruction contained in it preserves the traditional independence of the Federal Reserve from the Executive, and the traditional dependence of the Federal Reserve on the will of the Congress. Under our Constitution and the Federal Reserve Act, we in Congress are the Federal Reserve's masters. Once a Budget Resolution embodying an instruction to the Federal Reserve went into effect, it would be binding. And, as every Chairman of the Federal Reserve Board including the incumbent has testified, it would be obeyed.

Language along the following lines would constitute an appropriate signal to the Federal Reserve.

"The Federal Reserve shall adjust the monetary targets in effect for 1982, so as to permit interest rates to fall. Should changing economic conditions render a departure from this directive desirable, the Federal Reserve shall so report to the two Banking Committees of the Congress."

I do not offer this language lightly. It would be an unprecedented step. It is my belief, however, that if we do not act now to change the course of monetary policy as well as that of taxes and spending, we invite far greater legislative risks in the near future. The drumbeat for credit controls, for national usury laws, and for political dismemberment of the Federal Reserve System can be heard quite distinctly on the far side of Capitol Hill. If you wish to avert far-reaching, uncontrollable and perhaps irreversible action later this year, this step could bring the Federal Reserve back to its senses on monetary policy before it is too late.

In summary, I have proposed a First Budget Resolution based on four simple and sensible guidelines, which I believe offer the hope of achieving bi-partisan support in the time remaining before we confront the debt ceiling crisis. The four steps are:

(1) Repeal of the July 1, 1983 10 percent personal income tax reduction. To avert a veto, this should be attached to the debt ceiling.

(2) No further cuts in civilian spending below fiscal year 1982 levels in real dollar terms.

(3) Five percent real annual growth in military spending.

(4) A return of monetary policy to a path of gradual deceleration from 1980 levels, involving an undoing of the super-tight monetary policy of 1981.

What, in economic terms, would such a program imply? To provide an answer to that question, we submitted these four assumptions to the econometric consulting

firm of Data Resources, Incorporated, and asked them to compare an economic policy based on those assumptions, with a forecast which assumes enactment of the President's Fiscal Year 1983 budget.

The results are provided in the attached Table. They show that our alternative program would produce a rapid return of real GNP growth in 1983. It would create two million new private sector jobs next year. It would revive the housing and the automotive sectors. It would lower interest rates. It would not significantly increase inflation.

Most important, our program would cut the deficit by a third in Fiscal Year 1983, and by more than one-half in Fiscal Year 1984. While we do not have a forecast extending further into the future, we would put the country clearly on the track toward a balanced budget—a goal shared by one and all.

Incidentially, we let Data Resources handle its own model processing, rather than doing what the United States Treasury, to its shame, did in its attempt to discredit Senator Hollings' commendable budget initiative: the Treasury hijacked Data Resources' model, neglected to put into the computer a reasonable interest rate projection, and thus was able gleefully to pronounce Senator Hollings' brainchild dead on arrival.

This immediate action program can and should be bi-partisan. Every single one of its recommendations has been echoed repeatedly by leading Republicans and Democrats of both Houses. While there could be added to it an amendment here, a gloss there, time is of the essence, and I would hope that the two bills could be launched in their pristine form.

If they are kept simple, I am confident that they would fly.

The Budget Resolution so far as it affects military and non-military spending is a matter for the Congress, and requires no Presidential signature. Perhaps, many months from now, specific non-military appropriations would be fought out between the Congress and the President in the battle of the veto and the override. But I would not anticipate that the broad outlines of the First Budget Resolution would be drastically changed.

As to the monetary directive to the Federal Reserve, that is a matter of Congress talking to its creature, the Federal Reserve. The Federal Reserve is quite properly independent of the Administration, and the Administration has no role or function in the directive. But the Fed is responsible to the Congress.

As to the repealer of the 1983 income tax cut, I grant you that this is dear to the President's heart. It is, after all the last vestige of his supply-side fiasco. But the tax repealer would be linked from the beginning to the debt ceiling legislation. The Congress would made clear that, should the President veto such legislation, the grinding to a halt of the Nation's government and financial system would be the President's doing. The Congress should have no intention of coming back again.

This is the bi-partisan initiative I recommend. Let the Congress assume the power and the opportunity that the Constitution and the laws have given us. Let us fashion a Congressional budget, with ancillary debt legislation, that meets the Nation's needs.

The Nation is looking for bold action. It is Congress' historic opportunity. As Chairman of the Joint Economic Committee, I salute you of the Senate Budget Committee for the leadership you have already shown, and I offer you the hand of bi-cameral and bi-partisan cooperation, to pull the ox from the ditch into which it has sadly fallen.

Thank you.●

COMPARISON OF FORECASTS OF RESULTS OF REAGAN PROGRAM AND JEC ALTERNATIVE

[Prepared by Data Resources, Inc.]

	1982	1983	1984
Real GNP growth (percent):			
Reagan [1]	−0.7	4.3	4.0
Alternative [2]	0.5	7.4	3.9
Unemployment (percent):			
Reagan	9.4	8.7	7.8
Alternative	9.2	7.3	6.3
Deficit (fiscal year, billions of dollars):			
Reagan	109.1	100.1	93.7
Alternative	101.7	65.3	38.7
Housing starts (millions of units):			
Reagan	1.2	1.6	1.7
Alternative	1.4	2.2	2.1
Auto sales (millions of units):			
Reagan	8.9	10.0	10.6
Alternative	9.7	11.5	12.4
3-month Treasury bill rate (percent):			
Reagan	11.8	12.0	11.4
Alternative	8.8	9.9	7.7
Consumer Price Index (percent change):			
Reagan	7.4	7.3	7.1
Alternative	7.4	8.0	8.0
Prime interest rate (percent):			
Reagan	15.2	15.5.	14.6
Alternative	12.9	12.9	11.1

[1] Data Resources, Inc., analysis of Reagan policies, Feb. 10, 1982.
[2] Data Resources, Inc., Feb. 22, 1982, simulation run of forecasting model.●

LEGISLATION TO PROHIBIT MILITARY OR PARAMILITARY ACTIVITIES AGAINST NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Maryland (Mr. BARNES) is recognized for 10 minutes.

● Mr. BARNES. Mr. Speaker, today I am introducing legislation to prohibit the U.S. Government from engaging in or supporting military or paramilitary operations against Nicaragua.

The Washington Post recently reported that President Reagan has authorized the CIA to spend $19 million to recruit and train 500 Latin American commandos to operate out of Honduras against Nicaragua. This is only the latest in a long series of reports, all undenied by the administration, of planned covert activity against Nicaragua.

It is hard to imagine that we could do anything so stupid. I would remind the President, first of all, that this country has for a long time been the world's foremost proponent of the principles of self-determination and noninterference in the affairs of other countries.

I would remind him further that, on those occasions when we abandoned these principles and contributed to the overthrow of leftist governments through covert action, the results have been disastrous. The overthrow of Chile's last democratically elected President, with CIA help, led to the installation of the most brutal regime in that country's history. And the killing and destruction in Guatemala, which give comfort only to Cuba, are a direct result of the U.S.-supported abortion of a reform process in that country in 1954. Finally, I would remind the President that doing a Bay-of-Pigs number on Nicaragua is a guaranteed way to insure that Nicaragua becomes what the President purports not to want it to become: A state which has turned irrevocably toward Cuba and the Soviet Union for protection.

Mr. Speaker, we may not like it, but it is a fact that the Sandinista government was brought to power by a revolution that was almost universally conceded at that time to have overwhelming popular support. It is true that some of that support has eroded, and for good reason. But what gives us the right to determine that Nicaragua should have a different kind of government? And what possible advantage could we gain from allying ourselves with the hated Somocista exiles in trying to overthrow a government by force with which we are not at war and with which we have diplomatic relations.

The administration must abandon its dangerous delusion that the war in El Salvador can be won in Nicaragua. The way to deal with our problems both in El Salvador and with Nicaragua is through negotiations. In this regard, I am encouraged that the administration appears to be pursuing the possibilities contained in the Lopez-Portillo initiative. The way not to deal with our problems in the region is to compound our errors in El Savador by destroying any hope for a constructive relationship with Nicaragua.

I hope the reports of U.S.-sponsored paramilitary actions against Nicaragua are not true. But it would be naive to assume that. So I hope my colleagues will join me in telling the administration is clear and unequivocal terms that the United States is not in the business of overthrowing other governments. A copy of my bill follows, as well as a Washington Post editorial and an article by former Ambassador John Bartlow Martin that make a lot of sense on this issue:

H.R. 5828

A bill to amend the Foreign Assistance Act of 1961 to prohibit United States support for military or paramilitary operations in Nicaragua

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620F. MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.—(a) Notwithstanding any other provision of law, no agency or instrumentality of the United States Government may provide any assistance of any kind or otherwise make any expenditure of funds under this Act, the Arms Export Control Act, or any other Act for the purpose or which would have the effect

of supporting, directly or indirectly, military or paramilitary operations in or against Nicaragua by any nation, group, organization, movement, or individual.

"(b) The provisions of this section may not be waived under any other provision of law.".

[From the Washington Post, Mar. 11, 1982]

NONINTERVENTION

Things are getting out of hand in respect to Nicaragua. The tone and, according to the latest news reports, the content of President Reagan's approach are getting progessively more threatening. Whether the Nicaraguans are intimidated is not clear. It is evident, however, that Mr. Reagan is moving rapidly toward the outer limit of the support he can reasonably expect from the American people and from this country's friends in the hemisphere. He badly needs to slow down, collect his thoughts and put them out in public view.

There is, we believe, a central ambiguity to the line the administration seems to be taking now, an ambiguity fed partly by design and partly by indecision and careless thinking. Is the American purpose merely to prevent the Sandinista rulers of Nicaragua from imposing on and disrupting the lives of their neighbors? Or is it to put an end altogether to Sandinista rule? The administration has not openly professed that more ambitious second goal, but some of its private words, deeds and plans suggest it wishes to proceed toward it, or to get the Sandinistas to believe it will. In that latter purpose, by the way, it has succeeded. The Sandinistas do believe Mr. Reagan intends to try to do them in, and they are mobilizing their considerable diplomatic and propaganda resources to block him.

Should this country try to destroy the Sandinista revolution? The reasons to say yes may be seductive. The Sandinistas are lending themselves to the purposes of foreign countries hostile to the United States. They are double-crossing the many Nicaraguans who accepted their lead in the anti-Somoza struggle. And the more the regime reveals these tendencies, the stronger the temptation in the United States to move, in one way or another, against it.

It would, however, be dangerous and wrong-headed to do so. Such an act would cut across the one principle that offers a basis on which the United States has a chance to avert far greater trouble than it has gotten into or even imagined so far. The principle is that of nonintervention.

It can never be forgotten that in Latin America, and especially in Nicaragua, the United States is viewed as the Great Intervenor. The right-wing police regimes of the hemisphere may join Washington in an effort, by open or covert means, to change the regime in Managua—but *no* other Latin government or element will. The substantial support the United States has received for its effort to build reform in El Salvador will inevitably fade away as Washington is seen to be returning to the role of intervenor in Nicaragua. The American public, plenty leery already, would not put up with such intervention; nor should it. The ground on which the United States stands as it asks others to oppose Nicaraguan intervention in El Salvador crumbles as the United States sponsors intervention in Nicaragua.

It can be argued that the purpose of the CIA's anti-Nicaragua operations is merely to give the Sandinistas second thoughts about their help in Salvador, not to otherthrow the regime. But you have to be pretty forgetful, or pretty dumb, to buy that argument. Anyway, if there is one thing that the United States has proved itself to be bad at in recent years, it is subverting Latin regimes. There has been no "success" in this department since Guatemala in 1954, and the results there are no advertisement for more of the same.

It follows that before President Reagan goes any further he should clarify the thrust of his policy. He could state that he regards the Sandinistas as bad news, for their international connections and revolutionary ambitions as well as for their repressive domestic proclivities, but that he has decided that in order best to influence them he will forswear an intent to unseat them. Instead, he will honor the traditional hemispheric ideal of nonintervention and call upon others to join him to ensure that the Sandinista government respects that ideal in its practical affairs. The means will be hardheaded, legitimate and generally acceptable and will blunt the crippling allegation that he seeks to "intervene."

This will not tie up every loose end of American policy toward Nicaragua. But it will help remedy its central flaw. From the fundamental decision to abandon interventionism, everything else follows.

[From the Washington Post, Mar. 14, 1982]

LISTEN TO LOPEZ PORTILLO

(By John Bartlow Martin)

Only a few weeks ago it appeared we were headed straight for military intervention in El Salvador. Now, thanks to the press and various members of Congress, and to Secretary Haig's self-inflicted wounds, even the secretary, having at last listened to what the Mexicans have been trying to tell us, seems to have paused in his headlong charge. Perhaps we can use the breathing space to ask what it is that we are about.

Of 199 U.S. military hostilities abroad without a declaration of war between 1798 and 1972, no fewer than 81 took place in the Caribbean. Early in this century, we intervened there mainly because of our anti-Kaiserism. Since World War II we have intervened there mainly because of our anti-communism. Usually we have cried panic over the Panama Canal.

Thus our Caribbean policy has always swung on a wider hinge—the hinge of our global (and domestic political) concerns. Isn't it about time we devised a policy for the Caribbean itself? We have not had one since President Johnson killed the Alliance for Progress and President Nixon buried it.

Recently, President Reagan set forth what his trumpeters called a new Caribbean Basin Initiative. Its three main proposals were duty-free entry of Caribbean products into the United States (with certain limitations), incentives to U.S. private enterprise to invest in the Caribbean and supplemental aid.

But many Caribbean products already enter duty-free, and surely President Reagan knows it is highly doubtful that Congress will extend the list over the anguished outcries of domestic industries and labor unions. Surely he also knows that what we think of as investment looks to the peoples there like Yankee imperialism. Indeed, in many Caribbean countries, it is doubtful that U.S. private enterprise has much of a future at all—they don't want it. As for supplemental aid, most of it will go to El Salvador.

Reagan's whole new initiative is tightly tied to his Caribbean crusade against Nicaragua, Castro and the Salvadoran guerrillas. We pay heed to the Caribbean only when something goes wrong. We are the only great power that does not take its near neighbors seriously.

Now a new cycle of revolutions from below has begun. In Nicaragua, the Sandinistas have toppled Somoza. In El Salvador, they seem about to defeat the government we support. In Guatemala, the Indians are rising.

What are the causes of this trouble? They are simple. Indeed, they are one: in justice. In some places, 400 years of it. In some countries, out in the countryside, *campesinos* are poor even by Asian standards—they never see $50 a year, yet their transistor radios give them a hint of what life could really be. For intellectuals, and for *campesinos* come to the city, injustice means military repression. But always the root cause is that too few people have too much land and money; too many have too little.

Time and again we have had a chance to join these revolutions. Time and again we have defended the indefensible status quo. I can think of only one decisive turning point where we threw our weight solidly against dictatorship: when President Kennedy sent the fleet to the horizon off the Dominican Republic to force out the heirs of Trujillo.

But our present national debate is not addressed to that issue. Instead, it is addressed to whether foreign communists are or are not aiding the Salvadoran guerrillas. Haig sees a dark conspiracy running straight to the Salvadoran guerrillas from Nicaragua from Cuba from the Soviet Union. But Castro would seem to have more to gain from accommodation with the United States then from helping the Salvadoran guerrillas. The Soviet Union could scarcely be eager to take on a second Latin client like El Salvador.

Just how are these evil conspirators running the Salvadoran guerrillas from Managua? By radio? By telephone? By courier? By satellite or smoke signal? I have had some experience with small Caribbean countries, and the notion that an apparatus in Managua could direct the activities of guerrillas in the caves and mountains of El Salvador is simply laughable.

Behind the debate now going forward between the press and Capitol Hill, on the one hand, and Haig on the other, lies a dangerous assumption—that if indeed Haig can produce "irrefutable" evidence that Nicaragua, Cuba and the Soviet Union really are aiding and directing the guerrilla movement in El Salvador, then of course we will be justified in intervening.

But that is the wrong question. We should be debating a political, not a military, solution to the Caribbean's troubles—policies to help shore up the vital center against the extreme right and the extreme left, policies to bring peace. We should start with the proposals of President Lopez Portillo of Mexico.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NEAL of North Carolina (at the request of Mr. WRIGHT), for March 10 through 19 for medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted:

(The following Members (at the request of Mr. LUNGREN) to revise and extend their remarks and include extraneous material:)

Mr. RHODES, for 60 minutes, March 16.

Mr. JAMES K. COYNE, for 30 minutes, March 16.

Mr. MARKS, for 60 minutes, March 17.

Mr. MARKS, for 60 minutes, March 18.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. RATCHFORD, for 15 minutes, today.

Mr. WEAVER, for 30 minutes, today.

Mr. FRANK, for 10 minutes, today.

Mr. PATTERSON, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. COELHO, for 60 minutes, on March 18.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. REUSS, for 30 minutes, today.

Mr. BARNES, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LUNGREN), and to include extraneous matter:)

Mr. MARLENEE.

Mr. FRENZEL.

Mr. ERDAHL.

Mr. VANDER JAGT.

Mr. MICHEL.

Mr. PHILIP M. CRANE.

Mr. GRISHAM.

Mrs. HOLT.

Mr. LENT.

Mr. DORNAN of California.

Mr. CONABLE.

Mr. RUDD.

(The following Members (at the request of Mr. RATCHFORD), and to include extraneous matter:)

Mr. MAZZOLI.

Mr. SOLARZ.

Mr. STOKES in four instances.

Mr. CONYERS.

Mr. SCHUMER in five instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. MCDONALD in five instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mrs. KENNELLY.

Mr. GUARINI.

Mr. FRANK.

Mr. GORE.

Mr. LAFALCE.

Mr. WAXMAN in two instances.

Mr. ROSENTHAL.

Mr. ROE.

Mr. LELAND.

Mr. YATRON.

Mr. FOLEY.

Mr. MARKEY.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 16, 1982 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3366. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

3367. A letter from the Comptroller General of the United States, transmitting a review of a recission R82-17 dated February 5, 1982, pursuant to public law; to the Committee on Appropriations.

3368. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide for supplemental military construction for 1982; to the Committee on Armed Services.

3369. A letter from the Secretary of the Navy, transmitting notice and written reports that eight Navy weapon systems have exceeded their baseline unit costs by more than 15 percent, pursuant to public law; to the Committee on Armed Services.

3370. A letter from the Secretary of the Air Force, transmitting written reports that six Air Force weapon systems have exceeded their baseline unit costs by more than 15 percent, pursuant to public law; to the Committee on Armed Services.

3371. A letter from the Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting a report on the Selected Reserve incentive program through December 31, 1981, pursuant to public law; to the Committee on Armed Services.

3372. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the conversion to contractor performance of the transient aircraft maintenance function at Ellsworth Air Force Base, S. Dak., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3373. A letter from the Acting Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting a report on special pay for duty subject to hostile fire, pursuant to 37 U.S.C. 310(d); to the Committee on Armed Services.

3374. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1983 and 1984, and for other purposes; to the Committee on Armed Services.

3375. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend title V of the Housing Act of 1949; to the Committee on Banking, Finance and Urban Affairs.

3376. A letter from the Secretary of Education, transmitting the annual report of the National Technical Institute for the Deaf for fiscal year 1981, pursuant to public law; to the Committee on Education and Labor.

3377. A letter from the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), transmitting the annual testing report for the overseas dependents' school for school year 1981-82, pursuant to section 1405 of Public Law 95-561; to the Committee on Education and Labor.

3378. A letter from the National Foundation on the Arts and the Humanities, transmitting the sixth annual report on the arts and artifacts indemnity program for fiscal year 1981, pursuant to public law; to the Committee on Education and Labor.

3379. A letter from the Secretary of Health and Human Services, transmitting a report on the National Cancer Advisory Board for fiscal year 1981, pursuant to section 407(a)(7) of the Public Health Service Act; to the Committee on Energy and Commerce.

3380. A letter from the Secretary of Health and Human Services, transmitting a report on community health centers receiving grants, pursuant to public law; to the Committee on Energy and Commerce.

3381. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the annual report for 1980 of the Federal Energy Regulatory Commission, pursuant to public law; to the Committee on Energy and Commerce.

3382. A communication from the President of the United States, transmitting notice of waiving the requirement of section 302(c)(1)(C) of the Agricultural Trade Development and Assistance Act of 1954, as amended, that at least 15 percent of the aggregate value of all agreements entered into title I in fiscal year 1981 also be entered into under the provisions of title III, pursuant to section 302(c)(2) of the act (H. Doc. No. 97-152); to the Committee on Foreign Affairs, and ordered to be printed.

3383. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, to authorize additional security and development assistance programs for fiscal years 1983 and 1984, and for other purposes; to the Committee on Foreign Affairs.

3384. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3385. A letter from the Administrator, Veterans' Administration, transmitting a report on the Administration's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3386. A letter from the Administrator, Veterans' Administration, transmitting a report on the Administration's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3387. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3388. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting a report on the Agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3389. A letter from the Executive Secretary, Uniformed Services University of the Health Sciences, transmitting a report on the University's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3390. A letter from the Chairman, National Endowment for the Arts, transmitting a report on the Endowment's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3391. A letter from the General Counsel, Administrative Conference of the United States, transmitting a report on the Conference's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3392. A letter from the Board, U.S. Railroad Retirement Board, transmitting notice of proposed new record system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3393. A letter from the Acting Secretary of Interior, transmitting the second biennial report of the Department of Interior, pursuant to section 606 (c), (d), and (e) of the Outer Continental Shelf Lands Act Amendments of 1978; to the Committee on Interior and Insular Affairs.

3394. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to amend section 106 of the Civil Rights Act of 1964; to the Committee on the Judiciary.

3395. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation to provide for authorizations for fiscal years 1983 and 1984; to the Committee on Science and Technology.

3396. A letter from the Secretary of Commerce, transmitting foreign service recruitment results and plans, pursuant to section 105(d) of the Foreign Service Act of 1980; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3397. A letter from the Acting Secretary of the Interior, transmitting notice of approval to execute the contract for certain drainage and minor construction work by the Wellton-Mohawk Irrigation and Drainage District, Gila project, Arizona, pursuant to public law; jointly, to the Committees on Interior and Insular Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5014. A bill to extend the life of the Gateway National Recreation Area Advisory Commission, which is presently due to expire October 27, 1982 (Rept. No. 97-457). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5539. A bill to amend and supplement the Federal reclamation laws, and for other purposes; with an amendment (Rept. No. 97-458). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 146. A bill to authorize the Secretary of the Interior to assist in the preservation of historic Camden in the State of South Carolina, and for other purposes (Rept. No. 97-459). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES (for himself, Mr. BINGHAM, Mr. BONIOR of Michigan, Mr. LELAND, Mr. FAUNTROY, Mr. STUDDS, and Mr. ROSENTHAL):

H.R. 5828. A bill to amend the Foreign Assistance Act of 1961 to prohibit U.S. support for military or paramilitary operations in Nicaragua; jointly, to the Committees on Foreign Affairs and the Permanent Select Committee on Intelligence.

By Mr. CONABLE:

H.R. 5829. A bill to amend the Internal Revenue Code of 1954 to improve taxpayer compliance, and for other purposes; to the Committee on Ways and Means.

Mr. COLLINS of Texas:

H.R. 5830. A bill to amend the Clean Air Act to repeal the requirement that new fossil fuel fired stationary sources of air pollution comply with a standard of performance which requires a percentage reduction in the emissions of air pollutants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of Tennessee (for himself and Mr. JEFFORDS):

H.R. 5831. A bill to provide lending limits for fiscal years 1983, 1984, and 1985 for programs under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. LONG of Maryland:

H.R. 5832. A bill entitled the "War Powers Resolution Amendments of 1982"; to the Committee on Foreign Affairs.

By Mr. OBERSTAR (for himself and Mrs. SCHNEIDER):

H.R. 5833. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. PATTERSON (for himself and Mr. AUCOIN):

H.R. 5834. A bill to stimulate the production of single-family residences; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SCHROEDER (for herself and Ms. FERRARO):

H.R. 5835. A bill to amend the White House Authorization Act to freeze White House spending during fiscal year 1983; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS:

H.J. Res. 437. Joint resolution to recognize Senior Center Week during Senior Citizen Month as proclaimed by the President; to the Committee on Post Office and Civil Service.

By Mrs. BOUQUARD (for herself, Mr. COATS, Mr. GEJDENSON, Mrs. FENWICK, Mr. LAGOMARSINO, Mr. ADDABBO, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. ROE, Mr. DENARDIS, Mr. DE LA GARZA, and Mr. FRENZEL):

H.J. Res. 438. Joint resolution acknowledging the Big Brothers/Big Sisters of America for its achievements and recognizing its volunteers for their service to children; to the Committee on Post Office and Civil Service.

By Mr. COLLINS of Illinois (for herself, Mr. WALGREN, and Mrs. HECKLER):

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that State and local governments should support the fire safety efforts of the U.S. Fire Administration to reduce lives and property damage lost by fire; to the Committee on Science and Technology.

By Mr. KEMP (for himself, Mr. BINGHAM, Mr. BROOMFIELD, Mr. ROSENTHAL, Mr. SHAW, and Mr. WILSON):

H. Con. Res. 289. Concurrent resolution regarding membership in the United Nations General Assembly; to the Committee on Foreign Affairs.

By Mr. COLLINS of Texas:

H. Res. 390. Resolution providing for the consideration of the Senate bill (S. 951) authorizing appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes; to the Committee on Rules.

By Mr. ST GERMAIN (for himself, Mr. REUSS, Mr. MINISH, Mr. ANNUNZIO, Mr. MITCHELL of Maryland, Mr. FAUNTROY, Mr. NEAL, Mr. PATTERSON, Mr. BLANCHARD, Mr. HUBBARD, Mr. LAFALCE, Mr. D'AMOURS, Mr. LUNDINE, Ms. OAKAR, Mr. MATTOX, Mr. VENTO, Mr. BARNARD, Mr. GARCIA, Mr. LOWRY of Washington, Mr. SCHUMER, Mr. FRANK, Mr. WILLIAM J. COYNE, Mr. HOYER, Mr. STANTON of Ohio, Mr. WYLIE, Mr. MCKINNEY, Mr. LEACH of Iowa, Mr. EVANS of Delaware, Mr. BETHUNE, Mr. SHUMWAY, Mr. PARRIS, Mr. WEBER of Ohio, Mr. MCCOLLUM, Mr. CARMAN, Mr. WORTLEY, Mrs. ROUKEMA, Mr. LOWERY of California, Mr. JAMES K. COYNE, Mr. BEREUTER, Mr. DREIER, Mr. GEPHARDT, Mr. DICKS, and Mr. SNYDER):

H. Res. 391. Resolution reaffirming that deposits, up to the statutorily prescribed amount, in federally insured depository institutions are backed by the full faith and credit of the United States; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

288. By the SPEAKER: Memorial of the Legislature of the Commonwealth of Virginia, relative to public water systems; to the Committee on Energy and Commerce.

289. Also, memorial of the House of Representatives of the State of Missouri, relative to deregulation of natural gas; to the Committee on Energy and Commerce.

290. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to unfair trade practices; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 909: Mr. FOGLIETTA.

H.R. 914: Mr. FOGLIETTA.

H.R. 3575: Mr. BARNES, Mr. CHENEY, and Mr. JEFFRIES.

H.R. 4014: Mr. DAUB.

H.R. 4467: Mr. STUDDS and Mr. MICA.

H.R. 5242: Mr. RALPH M. HALL, Mr. ROBERTS of Kansas, Mr. QUILLEN, Mr. LOEFFLER, and Mr. VANDER JAGT.

H.R. 5423: Mr. GIBBONS.

H.R. 5448: Mr. JAMES K. COYNE and Mr. BADHAM.

H.R. 5481: Mr. GRAY, Mr. MITCHELL of Maryland, and Mr. SCHEUER.

H.R. 5485: Mr. LONG of Maryland, Ms. MIKULSKI, and Mr. FAUNTROY.

H.R. 5583: Mr. FROST, Mr. COURTER, and Mr. WILSON.

H.R. 5596: Mr. PORTER, Mrs. MARTIN of Illinois, Mr. HANSEN of Idaho, Mr. BAFALIS, Mr. JAMES K. COYNE, Mr. TRAXLER, and Mr. FUQUA.

H.R. 5711: Mr. MITCHELL of Maryland, Mr. PERKINS, and Mr. FAUNTROY.

H.R. 5729: Mr. SENSENBRENNER and Mr. BAFALIS.

H.J. Res. 385: Mr. COLLINS of Texas, Mr. WRIGHT, Mr. KRAMER, Mr. BEILENSON, Mr. THOMAS, Mr. SHELBY, Mr. GUNDERSON, Mr. EDWARDS of Alabama, Mr. CARNEY, and Mr. BADHAM.

H.J. Res. 418: Mr. ECKART, Mr. SAVAGE, Mr. WASHINGTON, Mr. PEYSER, and Mr. SCHUMER.

H. Con. Res. 275: Mr. BLILEY, Mr. CORRADA, Mr. DANNEMEYER, Mr. LEBOUTILLIER, Mr. STANGELAND, and Mr. GOLDWATER.

H. Res. 86: Mr. FOGLIETTA.

H. Res. 265: Mr. CORRADA, Mr. BROYHILL, and Mr. PASHAYAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows;

367. By the SPEAKER: Petition of the South Alabama Regional Planning Commission, Mobile, Ala., relative to the senior community employment program; to the Committee on Education and Labor.

368. Also, petition of Pueblo Area Council of Governments, Pueblo, Colo., relative to the senior community service employment program; to the Committee on Education and Labor.

369. Also, petition of the North Atlantic Assembly, Brussels, Belgium, relative to the recommendations and resolutions adopted at the 27th annual session of the North Atlantic Assembly, held in Munich in October 1981; to the Committee on Foreign Affairs.

370. Also, petition of the Mayor and Council of the Borough of Highland Park, Middlesex County, N.J., relative to nuclear weapons; to the Committee on Foreign Affairs.

371. Also, petition of 32d District Democrats, Seattle, Wash., relative to Internal Revenue Service's policies; to the Committee on Ways and Means.

372. Also, petition of the Fairhaven Housing Authority, Fairhaven, Mass., relative to the social security system; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

SPEECH AT KEMPER MILITARY ACADEMY

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. SKELTON. Mr. Speaker, recently, our colleague, ANTONIO B. WON PAT addressed the student body and staff at Kemper Military School and College in Boonville, Mo. I would like to share his comments on vital issues which our Nation faces today.

The statement follows:

STATEMENT AT KEMPER MILITARY ACADEMY, FEBRUARY 18, 1982

Thank you for that warm greeting. Before I begin, I must express my deep appreciation to General Rhiddlehoover for inviting me to speak tonight. I also want to say, thank you to Congressman IKE SKELTON, who represents this district, for first suggesting that I visit Kemper. He had the highest praise for this institution and I can now understand why he is so enthusiastic about a great school.

Although this is my first visit to Kemper, this trip marks my second visit to Missouri. A few years ago, I spent an enjoyable period at Ft. Leonard Wood, where I reviewed the hard-working Army Reserves from Guam on active training at that facility.

One item which particularly pleases me is the presence here of nine young people from Guam. To them I give a special greeting, a warm Hafa Adai, as we say it on Guam. Earlier today, I met them and was impressed with their affection for Kemper, its staff, and their fellow students. General Rhiddlehoover told me that since 1967, Kemper has had a total of 47 cadets from Guam. One item I know the Guam cadets and I feel particularly proud about is the naming of a hall here for Second Lieutenant Julie Manglona Ulloa, who obviously compiled a very distinguished record here at Kemper, and is your school's first woman graduate to be commissioned as an officer in the Army Reserves.

But I hope that my fellow Guamanians here have assured you that we are not all work and no play. Because you have had so much snow this year, we hate to brag about Guam. We have only rain and sunshine. I was out there two weeks ago and the temperature was 80 degrees, the sun was shining brightly, and a lot of Japanese tourists were on the beaches. To those of you who have never visited Guam, let me extend on behalf of the people of Guam, a warm welcome to visit our island. As a matter of fact, let me suggest that General Rhiddlehoover hold your next winter's classes on Guam.

Unfortunately, life in the islands is more than warm beaches, beautiful girls, and lazy days. Islanders who live in one of America's territories face real problems just like we who live here in what I call the "States." As Guam's Congressman, it has been my privilege to do what I could to bring federal assistance to my home island in the hope that this aid will also spur needed development. But as Chairman of the Subcommittee on Insular Affairs, my jurisdiction includes oversight functions into all legislation dealing with Guam, the Virgin Islands, American Samoa, Puerto Rico, and the Northern Marianas. This is a big responsibility because these areas are, in many respects, the forgotten areas of America. Few people know these beautiful islands are part of this nation, and even fewer are aware of their importance to the defense of this country.

Let me assure you that if most of America has forgotten the territories, the territories have not forgotten America. This is particularly true of Guam, where we have fought and died for American Democracy, and where we take our United States citizenship with great seriousness. These areas are an important part of this nation, much as is Alaska or Hawaii. The needs of territorial Americans are no less than those living here or in New York. Obviously, it is my task to work with the delegates from the other territories to call attention to our combined and individual needs.

Although America's territories are indeed exotic in nature, they face difficult economic and social problems. It is my hope that we in Congress can provide our fellow Americans in the territories with the support they need to become economically self-sufficient. Let me assure you that residents of Guam and other islands are very proud to be Americans. They want to see their islands prosper so they can be a reflection of American life styles and show that American democracy is workable everywhere where people want true freedom.

Also, as a member of two other congressional committees—Armed Services and Veterans Affairs—my interest in these committees stems from two facts. First, I am deeply devoted to seeing to it that America remains strong and vigilant. Second, my own island of Guam has known war at first hand. Today, Guam remains a vital link in America's defense posture in the Western Pacific with a major Air Force B-52 base and a vital Naval communications facility. We are equally proud to have two reserve units on Guam, and Army and Air Force National Guard outfits—the newest in the nation.

In the past year, Guam saw nearly 400 young men and women volunteer for the military, This is a very high percentage for an island of only over 100,000. In fact, local military recruiters consistently win major awards as top recruiters in their areas. Why are they so successful in Guam? Patriotism is one major reason. The other is tradition. We Guamanians have a long tradition of military service to this nation, and I, myself, have had four of my family in the service, including two who were officers!

Our decisions in Congress will be guided by many factors. After a number of years when the American public grew unconcerned about defense issues, we find that there is again a growing concerned that our military might be shrinking and becoming helpless against powerful enemies. We have seen our once powerful Navy shrink to a shadow of its former size. Our Air Force has been restricted to less than 15 hours flying time each month for its fighter planes. We are outnumbered more than three to one by Soviet tanks, submarines and other military hardware. And we certainly do not have the industrial capability that we enjoyed in World War II

This is not to say we have to match the Soviets tank for tank, gun for gun, plane for plane. This we cannot do nor should we. The Soviets have thousands of miles of hostile borders to defend; we have no such situation. The Soviets are up to their arms trying to suppress their people; we are not. Yet, it is clear that we are losing our edge in many areas. We do not want to see a repeat of World War II when we were largely unprepared to fight a war. I can all too well remember seeing Japanese troops invade an undefended Guam and rip down our American flag.

That scene will never leave me and I am committed to do whatever I can to seeing that America has the means and the will to block aggression.

Thankfully, there are many good men and women in the Congress who remembered what happened in World War II when we let down our guard. Men such as my good Friend, Congressman Ike Skelton, who represents this district, is well-known as an articulate and intelligent defender of a strong military. Ike Skelton and I agree on many things, including these issues. Yet, we are not hawks in any sense of the word. We hate war and the suffering it brings. But we are also sworn to help defend this great democracy of ours. And this means ensuring that Congress gives you, who will serve in the military tomorrow, the support you need today.

Recently, I received a reminder of how much this nation has suffered from war. Since 1900, over 35 million Americans have served in the war-time military; over 1.1 million Americans have been wounded in these wars; and 426,105 Americans have died in battle. That last figure is particularly meaningful. Because it represents a total greater than the current population of such major towns as New Haven, Connecticut, Little Rock, Arkansas, or Spokane, Washington.

Today, Americans are returning to a policy which is better balanced in many ways than those we followed in the past few years. This is not to suggest that the hard decisions over domestic or military spending is over—far from it, in fact. But, it is clear to me that Americans are willing to commit more of their resources to defense if we can prove a legitimate need.

This is where the Congress will and can play a major role in formulating policy. As you know, President Reagan has submitted his budget proposals to Congress for 1983. He is asking for this Nation to spend $258 billion for defense—a budget that includes a whopping $25 billion dollar increase for new weapons and equipment. Ten billion of this will be used to purchase two new carriers, and another $8 billion for 18 new ships. The Army also received some good news with proposals to purchase over 500 new M-1 tanks, plus other badly needed equipment. The Air Force will also see the new B-1 bomber come on line in the next few years, plus at least 42 new F-15 Eagles.

We, who sit on the Armed Services Committee, will be taking a long, hard look at the President's new request. It will be im-

perative that our committee and our sister committee in the Senate work with the President to assure a sound defense policy in the years to come. I will support much of the President's requests for new defense spending, but not without some reservations. Many of us in Congress are deeply concerned about waste in defense spending. I was particularly impressed with comments made to us last week by the Deputy Secretary of Defense, that his office was fighting waste and corruption as hard as they were fighting inflation. Last year, the Pentagon saved a reported $1.2 billion by implementing 1,675 new actions to save funds.

Equally important is to make certain that we get the biggest value for your dollars. I doubt there are many of you in the audience who has not heard stories about new weapons systems that do not work. The M-1 tank I mentioned earlier is one such example that has worried me greatly.

The failure of the M-16 rifle to perform well in the initial stages of the Vietnam War was another example or poor planning. And there is, of course, the famous case of the huge C-5A which early in its life, seemed to develop a penchant for flying without its wings.

You cannot ask the American taxpayer to dig deeper into his or her pocket unless you control this kind of scandal. Congress has repeatedly stressed this fact, and I am glad to note that the Pentagon is responding by challenging cost overruns rather than paying them as was done in past years. During the past six months, Pentagon contracting officers turned down over $3.5 billion in proposed contractor costs. This is a good start.

Our allies can also bear a much greater share of the burden than they presently bear. I cannot for the life of me figure why America should shoulder the cost of maintaining troops in Europe to defend Europeans when so many of them obviously are not interested in their own defense. We have been dragged into two European wars in this century and they have to understand—as do we—that America cannot and should not be a global policeman. The same is true for Asia. I have repeatedly called for Japan, which is rich beyond description, to beef up its contribution to our defense role there. And finally, we have to choose our friends a lot more carefully. I find my colleagues and I becoming very ill at ease about the situation in South America. It is imperative that we do not let El Salvador become another Vietnam. We should have learned that lesson in Vietnam where we fought a political war which we lost—not because our fighting men and women failed us, but because our politicians let us down in the first place.

As we debate and vote in the months to come over the future of the defense budget, many factors will cross our minds. One will be the needs of Americans in other walks of life. I have long felt that social programs have become too bloated—despite the fact that my own constituents want and use such programs as Food Stamps. The trick will be to find a happy middle ground that all of us in the Congress can feel comfortable with—not a very easy task. Understand that logic does not always prevail in public life. What counts is who has the votes. And the votes tend to go all too often where the screaming is the loudest. Taking away social programs—even where it is justified—is a lot like taking candy from a baby or perhaps given a "B" grade to students who know that they deserve at least an "A" plus. I think you know what I mean. I can assure you that there will be a lot of screaming and yelling on Capitol Hill in the days to come. But we must work together to assure that America remains strong, and this I am confident we will do.●

DEFICIT HYPOCRISY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. CRANE. Mr. Speaker, much ado clutters both the print and electronic media about deficits. People who have advocated deficit spending for decades suddenly find it propitious to wring their hands and cry for salvation. Yet in that same time period, those who could do most to reduce that deficit merrily proceeded to hand out the taxpayers' hard-earned money at a rate unparalleled in history.

The lead editorial in the March 8, 1982 Wall Street Journal succinctly hits the nail on its head. It is our responsibility to cut Federal spending, and it is time we realized that responsibility. We should put up—cut spending—or shut up. I commend this article to my colleagues' attention.

DEFICIT HYPOCRISY

The headlines last week went to President Reagan's defense of his budget deficits. "A necessary evil," he called them, in response to a congressional drive to "narrow the deficit," which are code words for raising taxes. In the same week, meanwhile, Congress recorded the following actions:

The Senate Energy Committee, pondering the current world oil glut, added nearly $2.2 billion to Mr. Reagan's budget for Energy and Interior programs. It voted to keep research on alternate fuels and conservation at $1.9 billion, rather than nearly eliminate it as Mr. Reagan suggested, and refused to save administrative funds by abolishing the Energy Department.

The House Agriculture Committee adopted a program for commodity price supports and conservation that ignored the President's request for a 20% reduction. Though in a sense this was foreordained by the farm bill Congress passed and the President signed in December, it represents $2 billion, or maybe $5 billion, in aid to wealthy landowners.

The House Education and Labor Committee roasted Education Secretary T. H. Bell over the administration's cuts in student-loan funding. With self-proclaimed conservatives such as John Ashbrook joining the chorus, members predicted they would restore most of the $3 billion the Reagan budget had cut from the program, thus preserving arbitrage opportunities for middle-class families.

An informal poll of authorizing committee chairmen found that collectively they predicted they would bust Mr. Reagan's budget by $29 billion in spending authority. While this translates into less in 1983 spending, Appropriations Committee Chairman Mark Hatfield described the result as "staggering." While Mr. Reagan had proposed savings of $14 billion from 1982 spending, Mr. Hatfield said "holding the line is the most optimistic we can do."

We modestly submit that the next Senator or Congressman who talks of "trimming the deficit" be laughed out of the room.

Congress doesn't care two hoots about the deficit. It cares about buying votes from synfuel plant entrepreneurs, farmers, parents of college students and so on. It finds that this enterprise requires a constantly swelling percentage of all funds in the economy. This means that taxes must go up. If Mr. Reagan wants to stabilize the tax level—which is about all his tax program would do—Congress suddenly discovers the deficit it ignored lo these many years.

This deficit hypocrisy has taken in a lot of people who understand that deficits do matter, and many of them have sided with the Congress and against the President. Roll-with-the-punches managers are particularly susceptible to the siren call of the conclusion that well, Congress will be Congress, and we may as well give it a tax increase and paper things over a few more years. Those who want to maintain a free-market economy, it seems to us, ought to be supporting Mr. Reagan's efforts to call a halt to Congress's game.

There is an argument, to be sure, over whether Mr. Reagan picked the best way to maximize his support. As we suggested in our initial comment on his new budget, as long as he was going to be blamed for budget cuts he might as well have done the job. Even his proposals do not deal with huge middle-class subsidies like Social Security. If he had done this he might be getting more support, not less. But then again, this was the one issue on which he was handed his head in Congress last year. Perhaps he will get further with Congress attacking his deficit rather than his compassion.

To make this work, though, Mr. Reagan needs to dress up his rhetoric. He understands quite correctly that, little is gained by closing a deficit with higher taxes, that the only useful way to close it is with slower spending. This point deserves more emphasis. And Mr. Reagan needs not to defend deficits but to turn them on Congress. A deficit is an evil all right, but it is necessary only in the sense that Congress refuses to control its spending.●

ADMINISTRATION'S CONSERVATION PHILIOSOPHY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. RUDD. Mr. Speaker, as our Nation's spokesman for matters ranging from the building of dams to the management of our natural resources, Interior Secretary James Watt has interjected an element of pure and simple commonsense to this administration's conservation philosophies. As he states it:

The natural recources of America are here for us to use for our needs—our economic needs, our recreational needs. Wise use will not diminish these values, but will enhance them. * * * We do not decide resource questions without regard for our future or for the future of generations yet unborn.

In his brief, yet productive 13 months as administrator of our vast Federal land and natural resource holdings, Secretary Watt has taken sound, decisive actions to maintain practical use of our natural resources to meet both economic realities and preserve the futuristic conservation philosophies we all share.

Secretary Watt outlined these accomplishments in a recent speech to the Izaak Walton League, Des Moines, Iowa. For reasons of spatial limitations, I have excerpted key segments of the Secretary's remarks regarding the administration's philosophies on the stewardship of our lands.

ADMINISTRATION'S CONSERVATION PHILOSOPHY

Hunters and fishermen were the original conservationists—environmentalists long before that word became fashionable. Organizations such as the Izaak Walton League were established by people who realized that if we are to continue to use our land, we have to do so in ways that will assure that the land and its wildlife renew themselves. J. N. "Ding" Darling—one of your members—was following this philosophy when he launched the Federal Duck Stamp Program almost a half century ago. This is one of the ways we have to give nature a helping hand to assure that these resources are cared for properly.

This certainly sums up my philosophy of stewardship—use the land and water resources as though we love them, harming them as little as possible so that the land and water will continue to help us meet our economic needs, help us to enjoy life more fully, help us to survive on Earth.

The stewardship philosophy of the Reagan Administration—my stewardship philosophy—is in tune with the hunters and fishermen of America. The natural resources of America are here for us to use for our needs—our economic needs, our recreational needs. Wise use will not diminish these values, but will enhance them. We are not destroyers but builders. We do not wantonly harvest the riches of the land. We do not decide resource questions without regard for our future or for the future of generations yet unborn.

Where this Administration differs from our critics is in our belief in the full stewardship equation:

We believe that use is a part of the equation, that you who hunt and fish can contribute to conservation, not undermine it.

We believe in management of natural resources and that hunters and fishermen are part of sound management.

We believe in your right of access to the public lands; your right to responsibly use and enjoy these lands. We don't think that we have to buy up and lock up huge parts of America and post it to keep you out to protect these lands. We trust you, and we believe that you and organizations like yours have been remarkably successful in instilling the environmental ethic in America.

I pledge to you that the Reagan Administration will oppose and fight those forces in Washington who would seek to halt hunting and fishing in our wilderness areas. Some of those purists that oppose my every move don't want explosions, like rifle shots, in the wilderness areas. I'll fight them.

We don't think that Washington, D.C., is the fountain of all wisdom. We don't think that the Federal Government need dictate fish and wildlife management for Iowa or Illinois or Missouri or wherever. When you want a program or policy changed, you should be able to take your case down the road to the State Capitol to demand action—not travel hat-in-hand to Washington, D.C.

When I became Secretary of the Interior some 13 months ago, we were not using our natural resources wisely. We were not being good stewards.

There was too much air and water pollution, the national parks had been allowed to deteriorate, our wildlife ranges and refuges had been neglected, and our multiple-use lands had not been managed properly for the taxpayers and consumers of this generation and those yet to come.

Even though our public lands have tremendous potential for meeting our people's energy and strategic minerals needs, we were importing from foreign sources almost 40 percent of our crude oil needs, and the majority of the strategic minerals needed for military might and industrial strength.

America was on a starvation diet even though our pantry of natural resources was overflowing. We were rapidly losing the economic vitality needed to sustain the environmental ethic which I believe in, which all of us here believe in.

Poor nations make poor stewards.

We can be a nation of environmentalists only if our citizens have jobs and incomes to support wise conservation. If you suffer economically to the point where you can no longer hunt, fish, hike—or even travel to the forests and streams—then your burning desire to conserve is going to dim quickly, and understandably so.

So I was determined to make changes at the Department of the Interior that would restore balance, so that we could begin making better use of natural resources in order to maintain the economic strength that is fundamental to sound environmental stewardship.

These changes have been made, and this has brought howls of protest from a few conservation organizations, including your paid staff in Washington. Fewer than a dozen—out of the 220-plus groups which deal with Interior—are trying to nail my pelt to the wall. I call them commercial environmentalists because they make a living off of being what you folks are out of a love for the land and its natural life.

It should not be surprising that some of these commercial environmentalists want a government which dictates from Washington. They become supporters of central government because it is in their self-interest to have power concentrated in Washington. Their prestige is diminished when decisions can be made in Des Moines, or even when we discuss issues with and listen to the states and citizens.

Let me give you a very quick summary of some of the major changes we have made at Interior these past 13 months.

One of the most important changes we have made is to refocus stewardship responsibilities on taking care of what we have.

For example, we have launched a program to repair and restore our National Park System which was neglected to a shameful degree. As the government reached out for more and more land, it did less and less to care for the parks we already had.

I said, let's begin taking care of the parks we have and go slow for a while in acquisition of parkland. While virtually all programs in the Federal Government were being cut back this year, I got a big increase in funding for park repair and maintenance. In the coming fiscal year, I am asking for $191 million for this effort. That is $36 million more than Congress gave us last year and more than twice what the Carter Administration asked for in 1982.

I have improved programs for the exploration and production of oil and gas both on land and under the sea, for coal leasing, for oil shale development, for tar sands, and for geothermal resources. In every case, we have been careful to maintain environmental protections.

These improvements are important because the Federal Government controls some 730 million acres—about one-third of America—and well over one billion acres of Outer Continental Shelf. Estimates are that 85 percent of the crude oil yet to be discovered in America is likely to come from the 540 million acres of public lands open to multiple use, as will 40 percent of the natural gas, 35 percent of the coal, 80 percent of the oil shale, nearly all of the tar sands, and substantial portions of uranium and geothermal energy.

We simply must have an orderly, phased development of these resources not only to meet our current economic needs but to avert crisis development in the future which would be devastating to the environment and to our liberties.

Already we are seeing results. We are cutting back on the drain of American dollars and jobs which occurs when we import huge amounts of energy.

During 1981, oil production on Federal lands rose from 427 million barrels to more than 470 million; natural gas production increased slightly to 5.8 trillion cubic feet, and coal production was up 31 percent to about 94.6 million tons.

We launched a good neighbor policy to work closely with the states and with users of public lands. Bureaucrats who once ran roughshod over state and local officials and over resource users have either changed their ways or have been asked to find other means of earning a livelihood. And when I say users of public lands, I mean hunters and fishermen and hikers and birdwatchers, as well as ranchers, loggers, oilmen and miners.

In addition to the 540 million acres of multiple use public lands, the Secretary of the Interior has responsibility for managing 72 million acres dedicated to national parks, 84 million acres set aside as wildlife refuges and ranges (an area twice the size of the six New England States). The Secretary also has responsibilities for various aspects of the 80 million acres of the Federal lands set aside as wilderness.

Recently I proposed to Congress a new approach for settling the muddled and overly-emotional debate about our wilderness system.

The 1964 law establishing the wilderness system provided for mineral leasing of such areas for 19 years. Under the bargain struck when the law was passed, the economic interests were to have their chance to locate and produce energy and minerals before areas were locked away forever. The Secretary of the Interior was supposed to deliver on this bargain, and over the years only about 50 leases have been granted in wilderness areas—about 10 by my immediate predecessor and five by me.

None of the leases approved since I became Secretary allows access or occupancy of the surface in the wilderness areas. The wilderness values cannot be disturbed.

Because of the furor over wilderness leasing, I imposed two moratoriums to give Congress time to sort out exactly what national policy changes should be adopted. When Congress did not respond, I proposed a solution. A change is needed because under present law, mining and drilling is permitted in the wilderness. There is no legal reason to deny a lease if proper environmental safeguards are in place.

In essence, we are asking that all wilderness areas and wilderness study areas be withdrawn from drilling or mining activity through the remainder of the century.

We are proposing some deadlines on wilderness decisions so that the process on Forest Service lands will be completed. Where Congressional deadlines are not met, areas under consideration for wilderness would be returned to their prior use which might include primitive areas, natural areas, wildlife management areas, or possibly multiple uses. They would not necessarily become available for mining or oil and gas drilling.

Our proposal is an effort at a compromise between two extreme positions—those who want wilderness closed now and forever and those who want another 20 years of exploration. As a compromise, there is the risk it will please no one, but it should.

Until the end of 1983, wilderness areas generally are open for mineral entry. Further, even after closure, any future Congress can decide to reopen. We propose a compromise: close wilderness NOW and specify a date, January 1, 2000, and leave Congress the choice of what to do thereafter. The date, we believe, would make it harder to reopen wilderness between now and the 21st Century.

Further, it is clear that wilderness areas would continue after the year 2000 with or without Congressional action and entry thereafter, while permissable, would require the Secretary of the Interior to promulgate regulations before that would occur.

The compromise we have proposed is similar to the one hammered out and adopted in December of 1980 in the Alaska Lands Act covering 56 of the 80 million acres in the Wilderness System. We thought it might be fair to apply the basic formula to the 24 million acres in the "Lower 48."

Our proposal calls for a continuous study of wilderness and proposed wilderness provided the means of doing so will not diminish the wilderness characteristics of the areas. By the end of the century our country should have acquired substantial data upon which to make rational decisions about how to better protect the wilderness and at the same time meet our national needs for energy and minerals in the 21st Century.

This proposal also provides an essential safety value to protect our national security. In the event of "urgent national need," the President could issue an order for the entry into a specific few acres of wilderness areas for the production of specific needed energy or minerals. Congress, of course, could countermand that order and is given time to do so.

This proposal would tone down the rhetoric and give time for emotions to cool so that we can better manage and protect these wilderness areas for the rest of the century. It gives this Nation time to clarify how we are to continue stewardship of these important areas in the 21st Century.

Of course, people who are making hay out of this issue do not want the rhetoric toned down; do not want emotions to cool; and, most of all, they seem to want to forestall the possibility of future deliberations based upon better information and more facts than we now have. They fear they may be proven wrong.

I am willing to trust the future generations of Americans to make wise decisions, especially if we take steps to see that they have better information upon which to make decisions. There's no reason for any of us to think that we are smarter or morally superior to those who will be the decision-makers of the next century.

We are a nation of environmentalists, but we must base our resource management decisions upon facts—upon good and complete information.

A study conducted for the U.S. Fish and Wildlife Service demonstrates that many Americans—despite the good work of organizations such as yours—still do not know much about animals or wildlife conservation issues. For example, only slightly over half the people surveyed knew that veal does not come from lamb. Seventy-five percent of the people surveyed did not know that the coyote is not an endangerd species.

Residents of large cities showed extremely little knowledge of wildlife and conservation issues. People in large cities who knew the least about wildlife were the most opposed to hunting.

Unfortunately, there are those who play to the emotions of people who know little about wildlife. This makes it difficult for your organization and for me to do our work. We have to do a better job of educating people about wildlife and about conservation in general so that there is an understanding that managed use of resources—whether use be hunting, fishing, grazing, mining or drilling—is an essential part of the equation of stewardship.

My job as Secretary of the Interior requires me to play many roles. I am the chief environmentalist, the chief oil and gas driller, the chief wildlife manager, the chief coal leaser, the chief national park ranger, the chief dam builder, the chief purchaser of wetlands for migratory bird habitat, and even the chief Indian trustee, for America.

In other words, I must try to consider the broad public interest in all decisions I make.

It is my job to ask everytime we are faced with a resource management decision: How will this affect the environment? How will this help create jobs? How will this impact on our national security?

In response to these questions, I have brought a year of change to the Department of the Interior, just as President Reagan has brought a year of dynamic change and progress for the entire government.

These changes are crucial so that we can restore America's greatness, so that we can protect our liberties, so that we can maintain our economy and our environment for ourselves and for untold generations to come.●

KEEP THE SUPREME COURT SUPREME

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. FRENZEL. Mr. Speaker, the March 6 edition of the Minneapolis Tribune contained an excellent editorial which opposes legislation that limits the jurisdiction of Federal courts in the areas of abortion, busing, and school prayer.

I recommend the article, which follows, to my colleagues as a statement of good sense and sound reasoning.

[From the Minneapolis Tribune, Mar. 6, 1982]

UPSETTING A DELICATE CONSTITUTIONAL BALANCE

Bills that would strip the federal courts of jurisdiction over specified issues are moving dangerously close to becoming law. One was approved by the U.S. Senate this week, and others are expected to pass the Senate soon. The prospect of passage is dangerous because the bills threaten to upset a delicate constitutional balance fundamental to this nation's tripartite governmental system.

Upsetting that balance is not the bills' primary purpose. Instead, their sponsors seek an easy way to outlaw abortions, end busing as a means to school desegregation and put prayers back in public schools. They would do indirectly what the Constitution will not permit them to do directly.

In landmark cases, the U.S. Supreme Court declared that state laws that banned abortions, permitted racially segregated public schools and condoned school sponsorship of prayers in public classrooms were unconstitutional. Lower federal courts have followed those binding precedents in other cases—for instance, by ordering busing to desegregate school systems. Neither Congress nor state legislatures may enact laws contrary to those decisions; such laws would themselves be unconstitutional. The Constitution would first have to be amended to permit what it now forbids.

By design, amending the Constitution is difficult to do. That is as it should be. The Constitution is this country's fundamental governmental document, the guarantor of the basic rights of citizens. It could not fulfill that role if it could easily be changed by temporary majorities. The court-stripping bills are an attempt to circumvent the safeguards of the amending process. They would allow constitutional rights to remain unchanged—but prevent their enforcement by federal courts. Whether that approach itself is constitutional is doubtful. But even if constitutional, the bills would set a dangerous precedent.

Those who contend that the bills are constitutional point to the "exclusions clause" of Article III, which establishes the federal judiciary. That article vests judicial power in the U.S. Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish"—currently, the U.S. District Courts and the Circuit Courts of Appeals. It outlines the scope of that power and gives the Supreme Court original jurisdiction over some cases—those involving states as parties, for instance. In all other cases, the court has appellate jurisdiction ". . . with such exceptions, and under such regulations as the Congress shall make."

But most constitutional scholars, even those opposed to abortion, busing and bans on school prayer, argue that congressional power under the exceptions clause is limited by other constitutional provisions—by the 14th Amendment's guarantee of equal protection of law, for instance, and the guarantee of due process in both the Sixth and 14th amendments. Due process, when a constitutional right is at stake, may require

that a citizen's complaint be reviewed by a judge who enjoys the protection afforded the federal judiciary by Article III.

If enacted, the bills would clear the way for circumvention of the Constitution where other rights are at stake. Any right could be voided, although it remained a part of the Constitution, if a majority in Congress could bar its enforcement. That should alarm even those who oppose abortion, busing or prohibitions of school-sponsored prayer. If those rights can be voided today, what others might become unpopular—and be made unenforceable—tomorrow? Majorities change, and with them popular opinions and prejudices. The Constitution and the independent federal judiciary were designed to afford protection against temporary political and social pressures.

Finally, the bills are an affront to state courts, which by default would gain jurisdiction over the issues taken from the federal courts. The underlying premise of the bills is that state judges would uphold unconstitutional legislation that the federal courts would strike down. But state judges, like their federal counterparts, are sworn to uphold the Constitution. The assumption that they would violate that oath insults them.

A more likely result is that state courts would follow existing Federal precedents. Since no new cases would be heard by federal courts, federal case law would be frozen from further development. From the standpoint of the bills' sponsors, that would be an ironic result when an increasingly conservative federal judiciary shows signs of modifying earlier decisions on some controversial issues. Another result—because judges in 50 separate court systems could not apply precedents to new cases with perfect consistency—would be a state-to-state variance in constitutional rights. Federal judicial review is designed to prevent such a variance, in itself a denial of equal protection.

America's system of government has endured through 200 years of peace and war, prosperity and hard times, harmony and discord. It has done so largely because the Constitution strikes a delicate balance—between different branches and levels of government, with different responsibilities and constituencies; between responsiveness to the popular will and protection of unpopular people and views. It would be shortsighted to upset that balance for the sake of short-term gain on isolated issues. If the Constitution is wrong, it should be changed—using the process the Constitution itself sets out in Article V. But it should not be overridden or circumvented at the whim of Congress and pressure groups.●

SCHOOL PRAYER: AN ISSUE TO BE DECIDED BY THE STATES; NOT THE FEDERAL GOVERNMENT

HON. WAYNE GRISHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. GRISHAM. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an article on school prayer that was included in my March 1982 newsletter:

SCHOOL PRAYER

The issue of whether voluntary school prayer should be allowed in our public schools should be decided by the States not the federal government. The people of our country will not allow the federal government to interfere in the free exercise of religion. Congressman Grisham is in favor of voluntary school prayer. We must work to strengthen the moral and spiritual fiber of this country. Our Founding Fathers never endorsed a concept which would have restricted the freedom of any American to participate in silent prayer.●

ERNIE PYLE: WHERE ARE YOU?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. DORNAN of California. Mr. Speaker, for some months now, the Central American country of El Salvador has been the focus of attention of the Nation's media. Day after day, the alleged human rights violations of the Duarte government are paraded on the front pages of our leading newspapers and on our television screens while the exploits of the Marxist-Leninist guerrillas are lionized and the guerrillas themselves feted.

It is one of the unfortunate observations of our time that advocacy journalism has, in many instances, replaced straight, factual reporting. Indeed, advocacy journalism is virtually taken for granted among an increasing number of the newer breed of journalists. In the good old days, which really were not so very long ago, advocacy journalism went by another name—it was called the editorial page. Now, it seems, an increasing portion of the paper is given over to editorializing, only it is not labeled as such. Whatever happened, I wonder, to truth in advertising?

What we desperately need, Mr. Speaker, are journalists of the mold of Ernie Pyle who took his journalistic ethics and commitment to straight reporting seriously. One such journalist is Bruce Herschensohn who accompanied me in my recent visit to El Salvador. Bruce's observations are hard hitting and factual as well as a refreshing change from the regnant liberal orthodoxy that has been imposed on the Nation by segments of the Fourth Estate.

Mr. Speaker, I would like at this time to submit Mr. Herschensohn's insightful observations for the RECORD.

KABC-TV, LOS ANGELES, COMMENTARY NO. 1: EL SALVADOR, FEBRUARY 22, 1982

Did you ever notice that when a new TV season begins there's a bunch of New shows? Somehow, most of them seem the same as other series that you've seen before. In one of them, the detective's face has changed but that's all that's changed. In another the people living in the New York apartment look different, but boy, it sure seems like that series was such a success last season. Well, there's an odd remake this season and it's playing on the network news and it's unbelievable that they'd want to remake this thing again, but they are. The name has changed, but I'll tell you the lot in just a few sentences. It's about a country that's being taken over, and the United States eventually cuts off all aid to the side that's friendly to us, because of human rights violations there. And when our aid stops, the opposition wins the war and the show ends with them violating human rights more than that country has ever seen and, in addition, the United States has a new enemy in power, whereas it used to have a friend in power.

It's possible that because the weather has been so good lately you might not have been watching TV, so let me fill you in so you can catch on with the weeks ahead. A couple of Senators came back from a "Fact Finding Trip" to that country and now that they're back they believe that we should stop our aid to the friendly side—the government. They felt exactly that way before they made the trip but what the media didn't tell us is that the purpose of the "Fact Finding Trip" was to give credibility to the politicians old beliefs.

You might have missed it, but an actor went to Washington to launch his campaign for aid to the other side. Leonid Brezhnev, Fidel Castro, Yassar Arafat and Ed Asner are now all on the same side supporting the Marxists there. Then there's Ramsey Clark. They use him in all of these series. In case you don't remember him, he played the same role in "Vietnam" and "Iran." In "Iran" he's the one who went to Iran after Khomeini's revolution won, to participate in a conference condemning U.S. actions. He even said there that our attempt to rescue Americans was "a lawless act." So he's perfect for the part in this new series. All three networks are running it now and it's pretty tough to find any sequence that backs the U.S. Goverment's position. Most of the reports and commentaries take a position against the U.S. being there. It does sound familiar, doesn't it? Well, that's because you probably saw the series when it was called "Vietnam" or "Angola" or "Cambodia" or "Ethiopia" or "Laos" or "Iran" or "Nicaragua." It's called "El Salvador" now and this remake is about three quarters of the way through its nightly telecasts. I don't like to give away the ending but it shouldn't be any surprise. It ends with the media covering the opposition's side of the conflict more and more, influencing the nation against our support of the government, and then the government falls and there's a lot of executions and the new government forms an alliance with other enemies of the United States. It's okay if you miss the rest of it. It'll be on again. It'll be called "Guatemala" next season. And then the big spectacle called "Mexico" will follow that one. Someday, thank goodness, it will all be over. They'll run out of countries. That's when we'll realize that we should have thought for ourselves rather than be influenced by those who helped create the old shows. The ones that ended so tragically for the peoples of foreign nations and for the future of the United States.

KABC-TV LOS ANGELES, COMMENTARY NO. 2: EL SALVADOR, FEBRUARY 24, 1982

When Nicaragua fell just two-and-a-half years ago, there was a virtual celebration in our State Department, and a virtual celebra-

tion among many people in the United States. "Now," they said, "Nicaragua can get back on its feet. Repression will end, there will be free elections, the Sandinistas are a coalition of all diverse interests and the people of that nation will, at last, have a responsible government."

There were others within the United States who regarded the revolution differently and who had a different prophecy of the future. Their prophecy was that repression would be far worse, that elections would not be held, that the Sandinistas would form a partnership with Cuba, the Soviet Union and the PLO and expand that power northwards in Central America. Now, it is two-and-a-half years later and we know that the latter prophecies were accurate; even moderate compared to the truth of Nicaragua today where, beyond the prophecies that came true, the government there praises the Soviet Union for invading Afghanistan. Nicaraguan Indians are driven from their lands and put away, and the new National Anthem of Nicaragua has lyrics that refer to us: the United States, as "the enemy of mankind." Okay, now we know. Well, you would think that at least some good could come from that knowledge. At least having seen this happen within our own hemisphere so recently that we, at least, wouldn't allow it to go further. But no. Not even that amount of good came from it. It's ignored, totally ignored by those who are now saying that we better not aid the government of El Salvador from a Marxist takeover. Let it go. Some here even back the Marxists. Are we crazy? Don't we see what's happening? At times, I don't even see how we can talk about anything else because it's so dangerous. Now, we're not talking about Central Asia or Central Africa, we're talking about Central America, with everything that name implies. I hate to say it, but by the apathy of some, and the plain ignorance of others, of course, this will spread to Guatemala and Mexico. Can anyone believe that El Salvador will be the end of it? And then what? Guerrillas, terrorists, on the southern borders of our own country? What is to prevent that? What's to prevent bandit raids, terrorism, and, there will be those fools within the United States, and you can even point to them now, identify them, who will say. "Well, wait a minute. You know they have a point. They have legitimate grievances against us." We're no super power. Let's knock off that phrase. We're no super power at all if we fiddle around with this threat as it invades the very hemisphere upon which we live and that we share with other Americans. Everyone in this hemisphere is an American and we better rush to preserve their future and our future. Perhaps the main problem in this country is that too many people appear to be sleeping, totally unaware of the short distance between El Salvador and the United States. Totally unaware of the short distance between the past and the future. If we don't wake up now by a shake from our friends, we're going to be awakened a little later by a surprising noise outside our very doors—made by our enemies.

KABC-TV, Los Angeles, Commentary No. 3: El Salvador, March 4, 1982

Did you know that Americans are already massing in the capital city of El Salvador for the big fight? I don't mean U.S. Military Advisers. I mean the U.S. press. One hundred and sixty of them are there already, and maybe it's time that they stopped their involvement. They've massed together at the El Camino Real Hotel as they massed previously at the Caravelle in Saigon and the Hilton in Teheran and the Intercontinental in Managua. And they're on their way to victory which means El Salvador's defeat. I mention the hotels not to give color or detail but because it's important. It's a massing together, most often at a hotel, that gives a shared-opinion to Americans back home. Peter Braestrip, former Saigon correspondent for the Washington Post admitted to intentional bias, taking part in shared-opinion-making with his peers, as did Geraldo Rivera in covering Panama for ABC during the Panama Canal Treaty debates. They participated in it, advancing their political views without your knowledge. Is that what you're now getting regarding El Salvador? Or am I exaggerating? Not at all. Beth Nissen, correspondent in El Salvador for Newsweek Magazine, told me that she believes in advocacy journalism and that Newsweek does take sides. What's wrong with that, she asks? What's wrong with it is that the reader in led to believe it's straight news. It's not labelled as commentary. Yes, she has an attraction towards the Marxists guerrillas, she admits. They're young, she says, they have their act all together; the government doesn't; they're the underdog . . . those are all her words, and she also reveals that Newsweek is planned for a seventh grade mentality. But that's only Newsweek. The question really is, is there a shared political bias coming from the press corps at the El Camino Real Hotel? Yes. It's always the fate of one hotel journalism. It has to be. They have to get stories, they have to meet deadlines, they want to get tips and leads on which to follow-up and their greatest sources are each other, usually at night, at the bar. If some brave journalist casts his or her political leaning outside of the accepted mode, that person runs the risk of becoming an outcast and hotel sources dry up. And there's nothing like peer pressure within the closed community of "hotel-journalism." As a result, we are starting to be as misinformed about the conflict in El Salvador as we were about so many conflicts before. The Marxist guerrillas have a massive campaign to influence, not the El Salvadorans, but to influence the American media. It's public. The press corps at the El Camino Real knows that the Marxists have a blueprint to influence them, but they fall for it anyway. They are, in fact, flattered by it. You know they're right when they say we're going to have another Vietnam. They're right. Just like Vietnam, the press will win, our aid will stop, El Salvador will fall, the executions will start, the prison camps will be built, the Boat People will attempt escape. Another Vietnam. And those at the El Camino Real will, without looking back, move on to the next conflict at the El Dorado Americana in Guatemala City. And then the big one at the Maria Isabel Sheraton . . . right on the Reforma. Good restaurant. Magnificent bar. That's in Mexico City.

KABC-TV, Los Angeles, Commentary No. 4: El Salvador, March 5, 1982

Before concluding this series on El Salvador on the Six O'clock News tonight, it's worth spending a couple minutes reviewing when and how the present crisis started. At the beginning of 1977, just five years ago, El Salvador was stable. It was run by an authoritarian government as is true throughout most of Latin America, in fact, true throughout most of the world, but it was stable. So stable, in fact, that only 6.2 percent of its national budget went to the military. In contrast, 32 percent of its national budget went into health and education. Not a bad ratio: 6.2 percent to the military, 32 percent to health and education—and in terms of foreign policy it was staunchly pro-U.S. In the United States, our Human Rights Campaign was just beginning and along with Iran and Nicaragua, El Salvador was made one of the first targets of that Human Rights Campaign. El Salvador was selected, not only because the government was repressive . . . there were countless countries where that could have been the sole criterion, but because following the Presidential election of 1977, in El Salvador, around forty people were killed, and the evidence pointed to the murderers being government troops, and the President, Humberto Romero, appeared to be doing nothing about it. By 1979, when our Human Rights Campaign was in full swing, President Carter was getting frustrated with President Romero and said that we'd no longer help him. That was because repression was still being reported and there was still no explanation for those forty deaths of 1977. So, we would no longer aid him in agricultural development or even in rural housing. We were, in fact, through with him. Right around the same time we also cut aid and were through with Somoza, next door in Nicaragua. And they both fell quickly. First, Somoza in July and then three months later, Romero in October. El Salvador was taken over by a Junta and our government was delighted. Now human rights violations could end, agricultural reform could begin, and banks could be nationalized. Our Ambassador was to assure that those things would happen . . . nationalization and socialization.

The Civil War began in full just about as soon as that Junta took over. The country was ripe for the Marxist assaults, with Nicaragua falling three months earlier and the world praising its new revolutionary government, and with El Salvador in governmental disarray. That war has now claimed over thirty-thousand lives by most estimates. Remember, that we started our Human Rights Campaign in El Salvador primarily because of the loss of forty lives. Whenever there's a war there are always different people citing different causes, but there are few people who, in tracing the history of this war, would cite our own policy of 1977 through 1979 as being a very, very important factor. Had we continued our economic aid and not publicly pointed our finger at repression in friendly countries, but rather, did it privately, the recent history of that country as well as Nicaragua next door, and Iran across the globe, would be entirely different today. It's a point always worth remembering as we make future foreign policy decisions.

KABC-TV, Los Angeles, Commentary No. 5: El Salvador, March 5, 1982

See if you can figure this out. I can't and I've made any number of attempts. It's regarding some U.S. Senators and Congressmen; Pell, Leahy, Long and Murtha. Please follow this step by step, if you would, because if you miss a step, it won't make any sense. That's not to say that it will make sense if you do follow it, but this is really a weird story.

I'm going to use the terms: left, moderate and right. They're not really precise at all in this case, but there is no other way to do this without going through long explanations that are really beside the point of this

true sequence of events. Pell, Leahy, Long and Murtha have for some time been opposed to the present government of El Salvador. They've always thought of it as being too right-wing and they've been calling for elections to be held there. Now, there will be elections, but as you know, the left in El Salvador won't join the election process though they've been invited to join it. The left are the Marxist guerrillas. So the election is between the present government and parties that are considered to be further right than the present government, and one of them looks like it's going to get a lot of votes. Alright, so Pell, Leahy, Long and Murtha are all saying that if the right wins this election, then we should stop all of our aid to that country. Now you realize that what they're saying is that though they, themselves, have called for elections, and elections are taking place after all parties have been invited to participate, they will not go by the will of the people unless the present government, that they previously opposed, wins. We can certainly assume that had the Marxists chosen to participate in the elections and, further, if they won them, that Pell, Leahy, Long and Murtha would have been satisfied with that. Now you could say to me, "Wait a minute. How do you know? Maybe they would have said, if the Marxists win, we shouldn't aid them either!" But no. That isn't true, because, if it was, why would they have called for elections in the first place? They already had the government that is the only one that Pell, Leahy, Long and Murtha would want, if they don't want the right or the Marxists. What was their big call for elections all about? To further pin-down that they wouldn't want to hold back our aid if the Marxists would win, remember, that these Members of Congress did vote for our aid to go to the leftist government of Nicaragua even without elections in that country. 75 million dollars worth of taxpayers' money to go there and they haven't even called for that government to hold elections. There isn't one shred of consistency to what they do, except for the perennial consistency of supporting, with your money, those governments or prospective governments that in each situation, are the most hostile elements to the United States in those countries. Consistent on that. I'm sure it's not by intent, but they're helping to turn the world into a collection of countries led by anti-U.S. governments. Why? Could they be so lacking in vision? I hope so, because it's the only answer imaginable that would provide any reasonable explanation.●

PRESIDENT REAGAN'S CARIBBEAN PLAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. MICHEL. Mr. Speaker, the Journal-Star of Peoria, Ill., recently commented editorially on President Reagan's Caribbean plan. I commend this editorial to our colleagues for its grasp of the complexities and the possibilities in that troubled region. The editorial is correct. In my view, when it emphasizes the importance of Cuba—the island itself, not the political entity now ruled by Castro—to the economic well-being of the region.

At this point I wish to insert in the RECORD, "Reagan's Caribbean Plan" from the Peoria Journal-Star, Sunday, Feb. 28, 1982.

[FROM THE PEORIA JOURNAL-STAR, FEB. 28, 1982]

REAGAN'S CARIBBEAN PLAN

President Reagan's plan for the Caribbean basin will not solve the problem there—but it does go to the very heart of what-that-problem-is as best we can.

The Caribbean basin, like so much of the Third World, is made up of countries that are too small and too isolated to be functionally independent economically.

Our own country was in terrible shape for years after the Revolution when every State had its own currency, its own duties levied on commerce, its own private borders, and all. The adoption of a Federal constitution and a central government to replace the original confederate association was the real beginning of American economic strength—and we covered a third of a continent then with a variety of conditions and resources.

Most of the tiny Caribbean countries do not have varied resources and simply cannot begin to be self-sufficient in everything from food-production to energy to automobiles. Some are smaller in population than the central Illinois area, and have nothing like the resources we have here in central Illinois. Not agriculturally, nor industrially, nor in plentiful availability of fresh water and other basics.

In recent years, many of the islands, especially, have ceased to complain about the former "colonialism" and have charged that the former colonial powers "cut them off" and "dropped them overboard"—marooned them high and dry . . . and nigh hopeless. They still cuss the former overlords, thus, but for opposite reasons.

They simply cannot survive without the means to purchase foreign things not available at home.

They have to have foreign exchange for that. Such limited things as they have to sell must have a less restricted market if they are to get the money with which to buy those necessities that are not (and in many cases cannot be) produced at home. They need to buy them without add-on taxes—as cheaply as possible. And they need the maximum development of such things as can be provided locally.

Hence, they must have free exchange with each other on a broadening basis for starters, but they are, by and large, too much alike for that to do the job. They need free exchange with us. They have had it lately to a major degree, and about all that Reagan or anybody else can do is expand that free access as much as possible—and that is the keystone of what he offered . . . together with addressing the problem of development.

In the end, regardless, association with and free exchange with others is absolutely essential to their survival. They are not and cannot, realistically, be truly "free and independent." Nature, herself, has ruled otherwise.

They have such exchange to a degree in the islands and in Central America—and they need it between the islands and Central America. Reagan's initiative could help broaden such a free trade zone.

The Central American half of this natural region is further handicapped by political instability and a long, loose tradition of political violence—increased and intensified by Communist meddling.

The whole matter is further complicated in the long term by another fact of nature. Ultimately, the basin needs to be (like the original U.S.) unified in some way . . . at least economically. And a keystone of any such combination, like it or not, is Cuba.

Cuba is one spot in the zone that has (or once had) the proven ability to produce more food than its own population needs. It isn't producing enough and has been on rationing ever since Fidel took over, but Cubans have the soil and the climate for such production. Cuba has and has had one of the most energetic Latin populations. Cuba has a key location. Cuba has great potential, currently wasted on ever-failing efforts at a major "cash crop" (sugar and tobacco) plus three-million-dollars-a-day from the Soviet Union—to finance an outsize army and its escapades.

It is a fact, sad but true, that even if he did not pose a threat with his own adventurous brand of militarism, Castro's holding Cuba would serve to disrupt the Caribbean economy and stand as a bar to its ultimate salvation.

This combination makes the "Caribbean problem" one of the hardest nuts to crack anywhere in the world—and the heart of the problem is not philosophical. It is the hard, uncompromising physical facts of nature.●

STATEMENT OF WALTER F. MONDALE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. FOLEY. Mr. Speaker, last Tuesday former Vice President, Walter F. Mondale, delivered a speech to the National Press Club in Washington, D.C.

In his speech, Mr. Mondale described the changes both good and bad which have come over our country in the last 20 years—and outlined the steps we must take to master those changes. As a piece of analysis, this speech is both incisive and erudite. As a blueprint of our future, this speech is a summons to action. I commend it to my colleagues and ask that it be submitted to the RECORD.

STATEMENT OF WALTER F. MONDALE

WASHINGTON, D.C., March 9—Following is the text of a speech prepared for delivery by Walter F. Mondale to the National Press Club here.

I'm delighted to be back at the National Press Club. Three and a half years ago, I spoke here to make the Democratic case before a midterm election, and today I'm proud to stand here again as a Democrat and speak about the future of our country.

We meet today against a very bleak landscape.

The nation is locked in a severe recession. More Americans are out of work than at any time since the Great Depression. Interest rates have reached their highest real level in history. Farmers have had their worst year since 1933. Autos and housing are crippled. And over 17,000 businesses have failed.

Those are the cold statistics. But for the millions unemployed, the recession is felt in personal pain. They have lost more than their jobs. They have lost their independence, their pride, and maybe their homes. Families are strained. Whole communities are cast into despair.

Sometimes you can blame such hardship on forces beyond our control—the faceless business cycle, the holders of foreign oil, a bad harvest. But today the cause of this disaster is the radical economic experiment of this administration. It has failed—and failed completely.

This is a recession that did not need to happen. It should not have happened. Underlying factors such as energy and food prices have been behaving very well. When this administration took office, the leading indicators were improving, But as soon as their program took hold, that program ended the shortest economic recovery since 1919. This administration has committed the most serious economic mistake in modern American economic history.

In 1978, when the Reagan-Kemp-Roth tax scheme was first seriously proposed, I said it was a bad idea. I said it in 1980, and others called it a riverboat gamble and voodoo economics. And I said it again in 1981. But it didn't take any special insight to see through the smoke and mirrors of this program. It was obvious even to a fifth grader that you could not massively cut taxes, sharply increase defense spending, and balance the budget, all at the same time.

You couldn't—and they haven't.

The result of this colossal mistake is the largest deficit in history. In 1983 the deficit they call $90 billion in fact will exceed $125 billion, and $200 billion or more in 1985. Unless changes are made, by 1984 this administration may have added more to the national debt in four years than was added in all our history since George Washington took office.

But what is even more frightening is that these deficits continue and grow larger for as far as the eye can see. In the latter half of this decade, under the Reagan program, the federal government will be borrowing nearly 50% of all available capital—crowding out private borrowers, pushing up real interest rates, bringing new investment and growth to a standstill.

We should act, now, to dig out of this radical program and start on the road to economic growth. What should we do?

First, the President should withdraw the 1983 budget and start over. Without more than a handful of voters for his budget in the Congress, it's not enough for the President to say "put up or shut up." He should exercise his responsibility to present a realistic budget to the Congress.

Second, Congress should repeal the personal tax cut for 1983, and repeal the tax leasing provision, and clean out other unsupportable tax preferences.

Third, Congress should condition the indexing of taxes on the performance of the economy and the size of the deficit. With the repeal of the 1983 tax cut, this will reduce the deficit by over $50 billion in 1985.

Fourth, Congress should accelerate the 1982 tax cut to January 1st to stimulate growth and help end the recession.

Fifth, we should control the growth in defense spending. With no sacrifice to our security, we can save at least $10 billion in fiscal year 1983.

With these five steps, we must strike an accord with the Federal Reserve Board. With the prospect of much lower deficits, we must insist that they ease up on the money supply, which will reduce interest rates and permit the economy to grow.

These are the preconditions for framing a strategy of long-term economic growth.

But that is just the beginning. It is not just this administration's numbers which dismay me. It's also their thinking.

In the last twenty years, tremendous changes for the good have strengthened our country in ways this administration doesn't comprehend.

As the result of remarkable economic growth and the legislation we passed in the 1960s—poverty declined, education improved, minorities began moving into business and professions, public health was improved, the workplace was made safer, and the environment was made cleaner. We became a more open, more plural, more just and, I believe, a stronger society.

At the same time, I believe there's nothing incompatible about a government that fights for social justice and a government that is effective and well-managed. There's nothing heartless about the public's demand to reduce red tape, paperwork, regulation and bureaucratic meddling or, for that matter, with their demand for a fresh effort at invigorating our federal system.

But there is something incompatible about striving for national strength without social justice. Our history tells us justice without prosperity is unattainable, but it also tells us that prosperity without justice is unacceptable. This administration doesn't understand that a ravaged environment imperils our economy, unfairness in our budget and tax code undermines public trust, that voting rights anchors our democracy, civil rights sustains our stability, women's rights affirms equality, and Social Security redeems our social contract.

By reopening these issues, this administration is taking a detour to the past that can never lead to the future.

But it's not just the good changes they have missed. At the same time, in the last twenty years, some very difficult changes have challenged our nation in ways they equally misunderstand.

Twenty years ago, America was the world's economic wonder, with the strongest basic industries, the highest productivity, and the best technology. All of that is now being severely challenged.

Moreover, our nation is now challenged by an alarming build-up of Soviet military forces; our security is undermined by a continuing dependence on foreign oil; and our economy is weakened by dropping productivity rates; and by persistent high inflation and unemployment.

In these critical ways, our world has changed.

There is much we must do to master these changes.

First, our most important long-term need is steady, more productive, less inflationary economic growth. Everything we care about—our jobs, social justice, and a stronger national defense—depends on that goal. Because that goal is more elusive than ever before, we must be more inventive than ever before to achieve it. We must target tax incentives to encourage high technology, research, and plant modernization. We must train our workers and encourage small business and do whatever else it takes to achieve a more vigorous economy.

Where vision is necessary, the only long-term growth plan this administration has is to take an axe to the tax code. A recent Wall Street Journal ad said—and I quote—"If your company still plans to pay taxes in 1981, you obviously don't know enough about the new tax law." I believe someone said not too long ago, that when the tax bill was passed, "The hogs were really feeding." For a number of privileged corporations, paying taxes today is like giving to the United Way—you just send what you feel you can afford.

Second, to remain internationally competitive, we must refurbish our human and intellectual capital. We must demand high educational standards, support our researchers, invest in our universities, and encourage new technology. Every dollar we invest in science returns $100. The fact is, most of our wealth derives from educated minds and trained hands. Right now this administration is liquidating that asset—by cutting education, worker training, student loans, basic research, and R&D support.

Third, we learned in the 1970s that both our security and our economy are undermined by over-dependence on foreign oil. Although energy supplies are up right now, we must assume that the oil glut is temporary. We should be doing all we can to avoid future energy blackmail. But this administration, by weakening conservation and the development of alternative sources, refuses to do that.

Fourth, my generation—the first to cross the threshold into the nuclear age—must bear the burden of bringing these weapons under control. We now have enough warheads on both sides to bring about what I call "the final madness"—nothing less than the extinction of the human race.

I wholeheartedly endorse the nuclear freeze initiative and urge all those who have an opportunity to support it to do so.

A nuclear arms freeze is an important expression of our national determination and a critical element of our leadership for peace in the world. Building on this expression, we must move quickly and forcefully toward significant reductions on both sides.

The threat of nuclear holocaust fundamentally changes the responsibilities of Presidential statecraft. If America does not lead the effort to control strategic nuclear arms and curb their proliferation—it won't be done. For the survival of humanity, it must be done.

The Reagan Administration has shown disdain for the nuclear peril. They show no interest in our nation's non-proliferation policies. Arms control is a moral and security imperative of our age and not an instrument of propaganda.

Fifth, the recent Soviet military build-up requires a forceful, disciplined response by the United States.

Yet the response by this administration has been to propose a defense budget without a strategy; an M-X without protection; carriers and old battleships without sailors; and a B-1 bomber without a certainty of penetrating Soviet defenses over most of its operational life.

Finally, this Administration looks at the globe only in terms of an East-West struggle. The new emerging nations do not want to copy our system, but they are drawn to us because they see in America the same liberty and justice they want for themselves. Yet this administration, looking through its narrow prism, does not grasp this crucial truth. It has converted human rights from a principle to a tactic. It has allowed our just criticism of repression in Poland to be undercut by our tolerance of repression in

Chile, Argentina, El Salvador, South Africa, Turkey and elsewhere.

At home and abroad—our foreign policy is being mismanaged, our security weakened, our growth neglected, our fairness betrayed, and our future squandered.

The tragedy is the opportunity we're missing.

The country that leads tomorrow is the country that produces trained human minds and a skilled work force; the society that rewards creativity and multiplies high technology; the economy that surges ahead with competition, entrepreneurs, and small business; the nation which attracts the world with its devotion to freedom and human rights.

No country is better equipped than our own. We have the resources, the scientists, the workers, and the values. Every country in the world comes to us for knowledge and new discoveries, for skills, for technology—and, for stability and freedom. There is no way we can lose the contest for national strength—if we have the wisdom to wage it.

To wage that contest, we must take several specific steps. The number one priority, after rejecting the Reagan economic experiment, is to promote greater economic growth.

On the tax side, Congress should repeal the tax leasing provision and reexamine the depreciation program of the '81 tax bill. There is no doubt that vulnerable industries need help to modernize. Last year, Congress gave them the largest corporate tax reduction in history. But we've seen already that while this tax package helped some ailing businesses, it did not help others enough—and it gave enormous giveaways to some of the most profitable corporations in the country. In the search for tax breaks truly targeted on productive investments, I believe Congress should explore the expensing of capital investment, a refundable investment tax credit, a rebatable payroll tax, and more. And Congress should enact a fair corporate minimum tax.

On the spending side, we should consider the creation of a capital budget—as part of the regular budget—to make sure we invest adequately, as we are not doing today, in the public capital necessary for economic growth. Our economy simply cannot grow if trucks cannot travel across roads and bridges, if railroads and subways do not run, or if ships can't dock in our ports.

The second priority is to launch a national effort for a more competitive, more productive economy—with the most advanced technology and the best trained workers. That means we must stand by our commitment to elementary and secondary education, provide student assistance for those going on to college and vocational school, job training for young workers, retraining for workers who have lost their jobs in vulnerable industries. New resources for education and retraining must be combined with a rigorous and even stern adherence to high standards.

But beyond reaffirming our basic goals, I propose we take several new steps to build up our intellectual capital. We should maintain full funding for the National Science Foundation and the National Institutes of Health. We should help universities rehabilitate their laboratories and research facilities. We should establish basic research graduate fellowships, with incentives for business participation. And we should improve the research and development tax credit for business.

Third, we should relaunch a national energy program, with emphasis on producing more, conserving more, developing new sources, and filling the Strategic Petroleum Reserve at a continuing high rate. To discourage consumption and reduce the transfer of our wealth to OPEC, we should enact an energy tax. We should rebate the tax to help low-income people pay their heating costs and possibly relieve the general tax burden; we should allocate the remainder to reduce the deficit and pay for needed programs.

Fourth, we must have a concerted policy to expand exports—including a highly competitive export bank policy to permit us to compete with equivalent institutions from other nations; a much firmer policy to reduce trade barriers against American sales in Japan and elsewhere; and above all, lower interest rates so that the American dollar is not exaggerated in value and our exports are not punished.

Finally, our nation's security. The effort of strengthening our defense requires discipline and the courage to make tough choices. The Russian military buildup cannot be ignored. But, if as the President has told us, we have no way to protect the MX, we should scrap it and start on the alternatives. If, as experts say, the B-1 will cost more than $400 million apiece and yet be unable to penetrate Soviet defenses for long, we should accelerate Stealth instead. If, as strategists tell us, the greatest threat to our interests comes from Soviet conventional forces, then it is our conventional forces that must have the highest priority. If, as economists tell us, the huge growth in defense spending could well produce more inflation than additional arms, then we should pace defense increases at a more disciplined and sustainable rate. And if, as is clear, we must ask the American people to sacrifice more for the common security, then we should insist that our Allies contribute more to their own defense. And if, as I believe, sound arms control agreements strengthen our defense and save money, we should proceed towards such agreements with determination.

But in the end, the purpose of our increased military might is not war—but peace. This administration has no peace plan.

In the Middle East, the proposed sale of F-16s and Hawk missiles to Jordan dangerously escalates the arms race, as well as threatens our ally Israel. In El Salvador, this administration has increased our military involvement for more than a year, yet still the crisis deepens. The time has come to renew the Camp David process at the highest levels; to join our Allies in the search for a negotiated settlement in El Salvador; and to restore our country as the active seeker of peace.

And let me add: Just as our nation must be freed from security threats—so must our political process be freed at last from the special interest lobbies funded by PACs. To help diminish the growing specter of special interest government, we should enact public financing of Congressional campaigns to let ballots, not dollar bills, control our political process.

These are the steps to a better future. We are not taking them. But I do not subscribe to the theory that this administration is taking us back to the past. It's not that simple. Their policies rest on a denial of the past.

Throughout our history, our belief has been that if you liberate individuals from the conditions that chain them, and give them tools with which to compete, they will not only pull themselves ahead—their very striving is the foundation of our country's strength. People pulling ahead, not stopping where they are; breaking into new careers, starting new businesses, rising higher than their parents did—that surging ahead is the power that strengthens our country.

The American idea is that this Nation is never finished. Its history runs through doors that open out. Its vitality is renewed with people moving up. No static, still or quiet—out vision is of a nation in motion. Whatever freezes that motion stalls our greatness. Whatever stands in the path of opportunity—whether it's overregulation, or poor education, or discrimination, or the possibility of nuclear war—our mission is to remove that obstacle, to free individuals, and to strengthen our country.

Fundamental to that idea is that we have a profound obligation to one another in America, as old as the Republic.

Our Founders did more than improve an old confederation; they created a new community. They combined not just for the common defense; but also the general welfare. It was not for a selfish reason that they pledged their lives, their fortunes, and their sacred honor—it was for each other.

The point is this: In America we don't let people sink or swim—we swim together. We are not a Darwinist—survival of the fittest—society. We don't salute the flag of some large efficient organization of people on the make—we salute a great civilization with compassion.

What kind of a country are we? The Reagan Administration gives us a cold answer. Our beliefs give us another, best expressed in a story told by John Gardner:

A puzzled little girl brought a dollar bill to her grandfather and asked him, "What does 'E Pluribus Unum' mean?" "It means, out of many, one," he replied. "I don't understand," she said. So he tried again. "It means that we are collectively a whole." "I still don't understand," said the little girl. And then her grandmother said, "What it really means is that we need each other."

And so we do.

Thank you very much.●

A SALUTE TO OHIO STATE SENATOR WILLIAM F. BOWEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. STOKES. Mr. Speaker, this is an opportune time and fitting forum for me to join with my Democratic colleagues in Ohio and the Bowen Appreciation Committee in honoring State Senator William F. Bowen of the 9th State Senatorial District of Ohio. Mr. Speaker, on March 27, 1982, my good friend, State Senator Bowen, will be honored in Columbus, Ohio.

At this juncture, I would like to apprise my colleagues of the achievements and dedication of this man to the State government and the people of the great State of Ohio. I am sure that my colleagues on both sides of the aisle can appreciate the character and accomplishments of Bill Bowen.

Mr. Speaker, this dedicated public servant has been elected to the Ohio State Senate from the 9th District three times and has served two terms in the Ohio State House of Representatives from the 69th District. During his public service career, State Senator Bill Bowen has earned the reputation as a no-nonsense advocate of the disadvantaged in the State of Ohio. He particularly has earned the trust and esteem of minority business owners in Ohio.

This warrior for the people in the Ohio Senate seemingly has dedicated every waking moment to developing legislative strategies designed to benefit the working class and the disadvantaged. He has been a tower of strength in this regard. Bill Bowen has refused to bow to any legislative measures which would hurt the well-being of the disadvantaged and minorities in Ohio.

Mr. Speaker, my friend, Bill Bowen began his celebrated career as a State representative in 1966 under the backdrop of a long and active association in the civil rights movement in Cincinnati, Ohio. As president of the Cincinnati branch of the NAACP from 1958 to 1964, Bill realized that there was a dire need to work through the system in Ohio for the betterment of minorities and the neglected. This basic principle has proven to be a source of his unrelenting motivation to work in the State government to help the people in Ohio.

Mr. Speaker, this motivation was apparent to Bill's colleagues. In his second term in the State house, Bill Bowen served as the house minority whip.

Mr. Speaker, State Senator Bowen was subsequently appointed to fill the vacancy in the State senatorial district on February 14, 1970. He ran for election that same year and reelection in 1974 and 1978.

Mr. Speaker, through 2 productive years in the State house and 3 in the State senate, William Bowen has established himself as one of the major forces in Democratic politics in Ohio.

During the 114th general assembly, he serves on the agriculture, commerce, and labor committee, the finance committee, the legislative budget committee, the health and human resources committee and the joint committee on federal funds. I might add, Mr. Speaker, that these are some choice committee assignments.

In addition to the aforementioned committee assignments, State Senator Bill Bowen is a masterful legislator. In the 113th general assembly, he was the sponsor of several bills which passed in the State senate. He is credited with and has received national recognition for his legislation for the minority business development loan program.

Furthermore, Mr. Speaker, Bill Bowen is the initiator of the unprecedented establishment of relations between the State of Ohio and Anambra, Nigeria in the State's first black African sister-statehood agreement.

Mr. Speaker, State Senator William Bowen is a dedicated member and vice president of the black elected Democrats of Ohio, a member of the national Caucus of State Legislators and chairman of the Hamilton County Black Caucus. He is also associated with the Congressional Black Caucus Minority and Economic Development Braintrust.

Mr. Speaker, because of his continuing role as the sentinel in the State senate and in the community on behalf of the disadvantaged, his constituents in the ninth senatorial district and minority businessmen, William Bowen has been the recipient of numerous awards and citations. They include the award of distinction by the U.S. Department of Labor's Regional Minority Women's Employment Conference, award of appreciation of the Ohio Minority Business Community in Columbus, outstanding public service award from the Ohio Public Transportation Association and the John F. Kennedy Public Service Award.

With those thoughts in mind, Mr. Speaker, I think that it would be appropriate to say that State Senator William Bowen has made an indelible mark on the State Senate and State House of Representatives in Ohio. His hard work and diligence have earned him laurels from diversified groups and associations. However, more importantly, that work without fanfare and advocacy on behalf of the nineth senatorial district, has earned him the respect and support of the people of Cincinnati and Ohio. That, Mr. Speaker, is the greatest tribute of all.

On behalf of my constituents of the 21st Congressional District of Ohio, I salute State Senator William F. Bowen on this occasion. I ask my colleagues at this time, to join me in saluting one of the finest legislators I know, my good friend—State Senator William Bowen.●

MR. FRANK C. SCHROLL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mrs. KENNELLY. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that Mr. Frank C. Schroll, president of Schroll Transportation in East Hartford, Conn., was recently elected president of the Common Carrier Conference—Irregular Route.

The conference, an affiliate of the American Trucking Associations, represents some 600 trucking companies throughout the country.

Mr. Schroll, who lives with his wife Pat in Glastonbury, Conn., brings to the presidency a broad background of knowledge and experience in the trucking industry, including 27 years with Schroll Transportation and a recent 1-year term as president of the Motor Transport Association of Connecticut.

The conference has chosen well, and I am pleased that Mr. Schroll's abilities have been recognized by his peers in the trucking industry.●

ANOTHER BATTLEGROUND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. VANDER JAGT. Mr. Speaker, I know that all Members of this body were shocked earlier this year when the Turkish Consul General in Los Angeles, Kemal Arikan, was murdered by a group calling itself the Justice Commandos of Armenian Genocide. Our colleague CHARLES PASHAYAN, JR., an American of Armenian descent, stated for the record a very moving denouncement of that horrible action. The United Armenian Commemorative Committee's central California region issued a fine statement in opposition, asking that "we pray, along with all people seeking justice and peace, for an end to such senseless violence."

Unfortunately, the killing of Consul General Arikan now is 1 of 20 Turkish diplomats or members of their immediate families who have been slain since 1973, 3 on American soil.

In past months, Turkish diplomatic missions in New York City and Los Angeles have been bombed and innocent bystanders injured. Threats and violence have prompted cancellations of performances by the Turkish State Folk Dance Troupe in California.

It is reported that two groups have been largely responsible for this terrorism—the Justice Commandos and the Armenian Secret Army for the Liberation of Armenia (ASALA). It is said that the ASALA is one of the world's newer and more efficient terrorist movements. What a great reputation—killers. ASALA operates in a dozen countries and is believed to be headquartered in Beirut. This organization is Marxist led and has strong ties to the Popular Front for the Liberation of Palestine (PLEP), the Marxist group that has pioneered new forms of international terror.

The Wall Street Journal and the Assembly of Turkish-American Associations have attempted to bring about public awareness of this horrible de-

velopment right in our own country. I would trust that the Federal Bureau of Investigation is doing its very best to stamp out these terrorist hate and killing actions.

I would like to place in the RECORD at this time the February 1, 1982, editorial from the Wall Street Journal, "Terrorism at Home," as well as an advertisement by the Assembly of Turkish-American Associations, "Assassins In Our Midst" which appeared in both the Los Angeles Times and the Washington Post last month. They follow:

[From the Wall Street Journal, Feb. 1, 1982]

TERRORISM AT HOME

The rescue of Gen. James L. Dozier may break the back of the Red Brigade terrorist movement in Italy. In itself a considerable blow to the group's mystique, the brilliant rescue is also testimony to the progress Italy's anti-terrorist police have made in cracking the organization and arresting its leaders.

How ironic that on the same day Gen. Dozier was rescued, the Turkish consul was assassinated at a stoplight in Los Angeles. It would be a huge mistake to view the killing of consul Kemal Arikan by Armenian terrorists as part of some obscure Byzantine quarrel. There is every reason to worry that it will mark the start of the same sort of process with which the Italians are so painfully learning to cope.

The Armenian grievances against the Turks arise from massacres committed by the Ottoman empire around 1915. There is no question that the Ottoman suppression of the Armenians involved terrible brutality, not excused by the fact that it was deliberately provoked by terrorist groups in the hopes that the Christian powers of Europe would protect their co-religionists from the Moslem Turks and set up a separate Armenian state.

Even accepting the Armenian massacres as something close to the Holocaust, though, what excuse are they for assassinating diplomats who were not even born at the time, and who serve a vastly different political regime than the one that existed then? One does not expect to find Jewish terrorist groups gunning down German ambassadors or consuls, whether from West or East Germany.

And indeed, while there is no doubt deep resentment of everything Turkish among Armenian communities everywhere, the wave of assassinations did not start until some two generations after the massacres. Suddenly in the early to mid-1970s, a wave of highly professional and well-coordinated killings began, sometimes during the same week at locations separated by oceans. More than a score of Turkish diplomats have now perished. Mr. Arikan was the third to die in the United States.

Adding to the mystery, nothing was known about the leadership of the most prominent terrorist group, the Armenian Secret Army for the Liberation of Armenia. Another group, the Justice Commandos of the Armenian Genocide, claimed responsibility for last week's killing.

The Armenian Secret Army's literature is fascinating. Armenia, a publication issued in Beirut in Arabic, Armenian and English, is one example. One issue is particularly explicit. The aim of the group, it says, is to liberate Armenian lands occupied by Turkey. That is, the eastern part of the country, which borders Iran, Iraq, Syria and the Soviet Union. Because of the massacres few Armenians still live there, but it does contain airfields from which planes could overfly the Persian Gulf.

The Armenian Secret Army's magazine further explicitly stipulates that the Armenian Soviet Socialist Republic is already liberated. Indeed, it proclaims that after Armenian lands in Turkey are liberated, they should achieve "unity with the Armenian S.S.R." In short, the avowed purpose of the leading Armenian terrorist group is to detach a strategic hunk of NATO real estate and attach it to the Soviet Union.

The Armenian assault on Turkish diplomats, of course, came in conjunction with a well-financed terrorist assault within Turkey itself, leading to the current hiatus in Turkish democracy. Propaganda broadcasts were directed from East Germany to Turkey, and terrorists were known to find refuge in Bulgaria. The killings within Turkey reached 28 per day before the military intervened to take over the government. The government has succeeded in stopping the killings, and as it proceeded to arrest terrorists, has seized weapons worth more than $250 million. Turkish authorities estimate that total financing of terrorism came to more than a billion dollars, the equivalent of NATO military aid to Turkey over the same period.

Given this history, Armenian dissidence in the U.S. clearly deserves the highest scrutiny. There is plenty of room to wonder whether law enforcement officials have taken it seriously enough, since the Arikan killing comes in the wake of public demonstrations on Turkish-Armenian issues in recent weeks and the bombing of the Turkish consulate in Beverly Hills three months ago. But the terrorist outbreak in Los Angeles should be viewed as neither solely a local law enforcement issue nor mainly a result of ancient wrongs. It would be nice to be reassured that the highest levels of the U.S. government understand that this is not an isolated aberration but in all likelihood part of a world-wide struggle.

[From the Washington Post and Los Angeles Times, Feb. 4, 1982]

ASSASSINS IN OUR MIDST

Thankfully, General Dozier is safe and at least physically unharmed. But not so the late Colonel Charles Ray in Paris or Kemal Arikan, the Turkish Consul General in Los Angeles, the third Turkish diplomat to be slain in the United States and the twentieth Turkish diplomat or family member to be murderd throughout the world since 1973 by Armenian terrorists.

The Armenian Justice Commandos has claimed responsibility for the recent assassination in Los Angeles as well as for the murders of Turkish diplomats in Europe and Australia. With ASALA, an Armenian communist terrorist group, the "Commandos" also assassinated the son of the Turkish ambassador to the Netherlands and the Turkish Embassy press counselor in Paris.

That these acts of terrorism are linked together should by now be obvious to all. They are all part of a well calculated plan, engineered from a central point, with the single objective of disabling the NATO allies. The discovery of the Italian Red Brigade's hideout revealed plans to attack other NATO targets; the wanton murder of the 20 Turkish diplomats or members of their immediate families has been claimed variously by so-called "Liberation Armies" of Armenians known to be trained with the support of international communism.

Exactly one year ago, after the release of the hostages in Iran, both President Reagan and Secretary of State Haig vowed that terrorism would be a central target of American foreign policy. Yet terrorism continues unabated.

Equally tragic for Americans is the development of a new form of racism on our own soil, paralleling the anti-black, anti-semitic bigotry of past decades. Now, one minority has taken to terrorizing another minority on every available front here in the United States.

In the past year, Armenian groups have disrupted Turkish-American cultural symposiums. Turkish folk-dance groups have had their appearances cancelled following bombings of performance facilities. No longer satisfied with name-calling, these extremist Armenians have chosen violence against Turkish-Americans, as well as Turks, as the instrument for defining their ethnic identify.

The wellspring of extremist Armenian efforts has been the deliberate misrepresentation of a complicated tragedy that occurred three generations ago during World War I—before today's victims of Armenian terrorism were even born. That war-time tragedy 65 years ago claimed 2.5 million Turkish lives, as well as perhaps 300,000 Armenians, through hostilities, famine and epidemics. Yet an Armenian extremist hate machine propagates vicious anti-Turkish allegations about that event—allegations that are without factual bases and are disputed by disinterested scholars.

Indeed, a main objective of Armenian terrorist attacks is to create opportunities to publicize the 65-year-old myth. Too often, news media reporting on such terrorist acts unwittingly contribute to their success, particularly when Armenian charges are reiterated in news stories without being labeled as "allegations."

We Americans must respond or face an era of continuing crisis. The survival of our ideals, our liberties, our way of life is threatened. The problem of terrorist attacks in our country, by Armenians or anyone else, is not one that we can "muddle through," for that is equivalent to doing nothing at all. And to do nothing is to collaborate in the victory of terrorism.

We Turkish Americans are not a large ethnic community in the United States, but the collective trauma which we are enduring here in our own country threatens to dehumanize not only us but also our fellow Americans who fail to condemn the campaign of hate and violence that is directed against us. We Turkish Americans bear no hostility toward Armenians. Neither do the tens of thousands of Turks living in Turkey whose parents or grandparents died at the hands of Armenian forces during World War I. They have put aside the bitterness of the past and have achieved reconciliation.

We urge all Americans, including the great majority of Armenian Americans of goodwill, who we believe deplore the excesses we have been made to endure, to join in unambiguous condemnation of the anti-Turkish terrorist hate campaign and of the assassins in our midst.

We also urge the American government to deal effectively with this scourge, not only by punishing the assassins, but also by stamping out the sources and the accomplices of this international conspiracy.●

WATT VERSUS CONGRESS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. GORE. Mr. Speaker, opponents of the vote in the Energy and Commerce Committee recommending that the Secretary of the Interior, James G. Watt, be found in contempt of Congress are attempting to portray the committee as motivated by partisan purposes. That argument ignores the committee's history. For example, in 1978, the Oversight and Investigations Subcommittee, chaired by a Democrat, voted to find Joseph A. Califano, Jr., a Democratic Secretary of the Department of Health, Education, and Welfare, in contempt of Congress for failure to provide subpenaed materials. The matter was resolved prior to a full committee vote.

In the case of Secretary Watt, a compromise proposal submitted to the Department of the Interior 6 weeks before the scheduling of the subcommittee vote was completely ignored. Once the vote was scheduled, the Department submitted some, but not all, the withheld documents to the subcommittee. Following a vote at the subcommittee level, the Department produced the answers to questions posed at a hearing last August.

But there remain 14 documents identified by the Department as responsive to the subpena. Again, before the committee vote, the chairman offered a compromise solution which has not been accepted.

The following editorial discusses the Congress obligation to assure that the laws it enacts are faithfully executed. That is what the subcommittee has been trying to do: to determine whether the Secretary faithfully executed his responsibilities under the Mineral Lands Leasing Act to respond to the threat of foreign takeovers of American companies.

The editorial follows:

[From the Des Moines Register, Mar. 2, 1982]

WATT VERSUS CONGRESS

The House Energy and Commerce Committee was justified in citing Interior Secretary James Watt for contempt of Congress. The Reagan administration ought to turn over the documents sought by the committee before the confrontation becomes a crisis.

Some Republicans charge that this whole affair is an attempt by the Democratic-controlled Energy Committee to embarrass Watt because Democrats don't like him. Not so. What is at stake is the right of Congress to carry out its duties, including the writing of laws and the oversight of the administration of those laws by the executive branch. Watt was cited for contempt because he has engaged in what Energy Committee Chairman John Dingell (Dem., Mich.) has called "a pattern of obstructionism . . . to legitimate requests for information."

The confrontation arose when a subcommittee of the Energy Committee began investigating complaints by some U.S. companies that they were being discriminated against under Canada's new energy policies, which aim to increase Canadian ownership of Canadian land and resources. The companies charged that Canadian investors were being wrongly allowed to exploit mineral resources on U.S. land owned by the federal government.

The investigation focused on a provision of the Mineral Lands Leasing Act designed to block discrimination. It allows foreign investors to hold financial interest in mineral leases on U.S. federal lands only if their home country does not discriminate against U.S. investors. If Canada were found to be discriminating, Canadian citizens would be barred from holding interests in federal lands.

Because the secretary of interior is the enforcer of this law, the subcommittee last summer asked Watt to provide documents relating to his administration of the law. Watt has provided many of the documents requested, but has held back 11 that he says are protected by executive privilege.

As Representative Thomas Tauke (Rep., Ia.) noted, the claim seems weak, because the documents were not even seen by the president until he was asked to claim executive privilege for them.

The dispute is part of a larger pattern in which Watt has been uncooperative with House committees. He seems to have forgotten that, under the Constitution, Congress is not subordinate to the Department of Interior. If Watt continues to refuse to yield the documents, the House will have no responsible choice but to cite him for contempt and order him prosecuted.●

DR. MORRIS CHARNER

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. ROSENTHAL. Mr. Speaker, on March 21, 1982, Rabbi Dr. Morris Charner will be honored for his 30 years of dedicated service as principal of the Rabbi Dov Revel Yeshiva of Forest Hills, N.Y. Today, I want to take the opportunity to pay tribute to this man who has dedicated a major portion of his lifetime to the betterment of the Jewish community, both here and overseas.

Prior to his tenure with the yeshiva in Forest Hills, Dr. Charner served as principal at the Mizrachi High School in Israel and the yeshiva in Hartford. Among his numerous achievements, Dr. Charner earned masters and doctoral degrees from Columbia University, as well as membership to two educational honor societies, Kappa Delta Pi and Phi Delta Kappa. At Hunter College he spent 7 years as an instructor of Judaic studies. For 12 years, Dr. Charner acted as the national president of the Yeshiva English Principals' Association, and for 8 years he served as the president of the Long Island Association of Yeshiva Principals. One of his many accomplishments was the founding of the Joseph and Sylvia Shaw Synagogue of Dov Rel, where he also spent 25 years as rabbi for the congregation

Morris Charner's dedicated religious and educational pursuits have made him an intelligent, effective, and well-liked leader. Those of us in Queens are honored and proud that he has used them to improve both the lives of our young people and our community as a whole.

I wish him mazel tov in his future endeavors.●

HONORS TO THE LATE ARMAND A. GRANITO

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. LENT. Mr. Speaker, I wish to call to the attention of my colleagues a ceremony that will take place April 2 in North Bellmore in the Fourth Congressional District of New York, which I have the honor to represent.

On that date, friends and fellow workers will gather to unveil a plaque honoring one of the finest men it has been my privilege to know, the late Armand A. Granito.

My good friend was a most successful insurance and real estate broker and appraiser. He was considered an expert in the fields of municipal planning and zoning. But his professional duties occupied but a part of his tremendously busy life.

Few men have given as much of themselves to their community as Armand Granito gave to his beloved community of North Bellmore, and to the people of the town of Hempstead, where he served for 21 years on the zoning board of appeals. He served as chairman of that distinguished body for 15 years until his retirement December 31, 1980.

For more than 30 years, Armand Granito unstintingly devoted his time and services to community projects; organizing and improving community organizations; and to the solution of community problems. His civic activities touched every facet of life, from his first post as chairman of the North Bellmore Citizens Committee on Safe Streets through organizational and official positions with the North Bellmore Chamber of Commerce, the Friends of North Bellmore Library, North Bellmore's first Little League, the Kiwanis Club of the Bellmores, the Nassau County Boy Scout Council and other civic, religious and charitable organizations far too numerous to list.

Despite these many community activities, Armand Granito never ne-

glected his duties as a citizen, serving for more than 15 years as civil defense director for North Bellmore, and playing a successful and important role in the political life of his community as Republican Executive leader of North Bellmore.

Mr. Speaker, it is the dedication and unselfish efforts of Americans like Armand Granito which have helped make our Nation become the envy of the world. I know that my colleagues in this Chamber join me in paying tribute to the memory of this outstanding man, truly a great citizen.●

FUNDING FOR FARM AND RURAL DEVELOPMENT LOAN PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I am today, along with my colleague, Mr. JEFFORDS, introducing legislation to provide funding authorization levels for farm and rural development loan programs which are authorized by the Consolidated Farm and Rural Development Act. Under such programs, the Farmers Home Administration makes real estate, operating, and natural disaster loans to farmers, and water and sewer facility, industrial development, and community facility loans for rural development. These loans may be both insured (direct) or guaranteed through the FmHA.

Section 346 of the Consolidated Farm and Rural Development Act requires that, beginning October 1, 1979, and for each 3-year period thereafter, lending limits must be established for the program authorized under the act. The legislation I am offering today will fulfill the section 346 requirement by providing lending limits for fiscal years 1983, 1984, and 1985.

In addition to providing program lending limits, this bill would also reestablish a 25-percent minimum as the portion of real estate and operating loans which must be allotted to low-income, limited resource borrowers. The 25-percent minimum level was originally mandated in the Consolidated Farm and Rural Development Act amendments of 1980 (Public Law 96-438). However, Congress last year in the Budget Reconciliation Act lowered the minimum allocation for these low-income, limited resource loans from the original 25 percent to the current 20 percent. In addition to this change, the interest rate for these loans was increased substantially. It is my opinion now, as it has continued to be since 1980, that a 25-percent minimum allocation is not only warranted, but necessary. You only need to look at the impossible situation now facing young, beginning farmers today to know that a need exists for this special loan program, and at a level sufficient to meet the needs of this special sector of farmers. I happen to be one who believes a 25-percent allocation is not out of line.

Another provision contained in the bill I am introducing today would, for the first time, establish a "credit elsewhere" test in the Farmers Home Administration's industrial loan program, commonly known as the business and industrial loan program. It would require that for borrowers to be eligible for loans in this program, they must be otherwise unable to obtain sufficient credit on reasonable terms from commercial lending institutions. I believe this is a reasonable requirement, and one which will both benefit the program and help insure the integrity of the loans made.

Mr. Speaker, as chairman of the House Agriculture Subcommittee on Conservation, Credit, and Rural Development, I have conducted extensive hearings this year on FmHA's farm and rural development loan programs. The ranking minority member of the subcommittee, JIM JEFFORDS, and I have worked closely on developing this legislation, and I believe the loan limits set forth in this bill are barebones, while still retaining a minimum level necessary to meet the needs of America's farmers and rural communities which depend so heavily on these FmHA programs.

I would now ask unanimous consent that the text of the bill be printed following these remarks.

H.R. 5831

A bill to provide lending limits for fiscal years 1983, 1984, and 1985 for programs under the Consolidated Farm and Rural Development Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 346 of the Consolidated Farm and Rural Development Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section—

"(1) Loans for each of the fiscal years 1983, 1984, and 1985 are authorized to be insured, or made to be sold and insured, or guaranteed under the Agricultural Credit Insurance Fund as follows:

"(A) real estate loans, $1,000,000,000;

"(B) operating loans, $1,510,000,000; and

"(C) emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters.

Not more than 75 per centum of the insured loans authorized for farm ownership purposes and not more than 75 per centum of the insured loans authorized for farm operating purposes may be for applicants other than low-income, limited-resource borrowers.

"(2) Loans for each of the fiscal years 1983, 1984, and 1985 are authorized to be insured, or made to be sold and insured, or guaranteed under the Rural Development Insurance Fund as follows:

"(A) insured water and sewer facility loans, $500,000,000;

"(B) industrial development loans, $1,000,000,000: *Provided,* That such loans may be insured, or made to be sold and insured, or guaranteed only with respect to applicants which, in the case of insured loans, are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time, and, in the case of guaranteed loans, are unable, without a guarantee, to obtain sufficient credit from commercial lending institutions at reasonable rates and terms, taking such factors into consideration; and

"(C) insured community facility loans, $300,000,000.".●

TAXPAYER COMPLIANCE IMPROVEMENT ACT OF 1982

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. CONABLE. Mr. Speaker, I have introduced today the Taxpayer Compliance Improvement Act of 1982. The bill, which was introduced earlier in the other body by Senators DOLE and GRASSLEY, is the result of their comprehensive study of the voluntary Federal tax compliance system and represents a commendable effort to effect the first real reform of that system since 1954. The revenue yield from the legislation has been estimated at $3 billion in fiscal year 1983, $8.1 billion in fiscal year 1984, and $9.3 billion in fiscal year 1985.

The compliance gap—the difference between the Federal income tax that is owed and the amount actually collected—has been widening at an alarming rate in recent years. In 1973, it was $21 billion. By 1981, it had broadened to $76 billion, and, if unchecked, could reach $102 billion by 1985. Estimates indicate that, of the present gap, 84 percent represents underreporting of individuals' legal income, with the balance attributable to underreporting of illegal and corporate income.

A source of the gap problem may be indicated through a review of estimated compliance rates for various types of individual income. In declining order, those rates are as follows: wages, 99 percent; farm business, 92 percent; interest, 89 percent; dividends, 85 percent; State income tax refunds, 81 percent; pensions, 80 percent; nonfarm business, 80 percent; capital gains, 56 percent; tips and illegal sources income, less than 20 percent.

The bill attempts to deal with the compliance gap problem in four basic

ways. First, there are measures designed to improve the operation of the Internal Revenue Service information reporting system. Second, there is a new system of penalties applicable when taxpayers refuse to comply with the information reporting system or the general tax laws.

Third, there are provisions to increase the level of IRS resources enabling the Service to do the job it is expected to do. These provisions incorporate the administration's previously requested enforcement staff increases.

Fourth, there is a progressive, voluntary, withholding system applied to pensions; essentially, individual retirement accounts (IRA's) and Keogh plans for the self-employed.

Although this bill was not designed specifically as an alternative to the administration's proposal for withholding on dividend and interest income, I think it is reasonable to view it in such a light. It seems to me a preferable alternative, in that sense.

I believe the elements of this bill, in the aggregate, represent a progressive effort to deal with a major and growing problem. Without imposing broad-based withholding, and without a massive increase in audit coverage, it should increase substantially public compliance with Federal tax laws.

A detailed explanation of this measure appears in the CONGRESSIONAL RECORD of March 11, 1982 on pages 4024-4026.●

LET EL SALVADOR BE EL SALVADOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. FRANK. Mr. Speaker, many conscientious Americans are deeply troubled by what they perceive to be an inconsistency in American policy in the area of human rights. Our Government has quite properly spoken out firmly and taken action against the Russian engineered suppression of freedom in Poland. Many, however, feel that American involvement with a repressive military regime in El Salvador detracts from the moral force which we bring to the cause of freedom in Poland and elsewhere in Eastern Europe. A group of students at the Kennedy School of Government at Harvard University have recently organized a group to give expression to this sentiment, and I would like to share with the House an announcement of their group's formation which gives expression to their views. The statement follows:

BOSTON GROUP SEEKS REAGAN SUPPORT FOR "LET EL SALVADOR BE EL SALVADOR" TELEVISION EXTRAVAGANZA

BOSTON, MASS.—A newly formed group calling itself the "Let El Salvador Be El Salvador Committee" today announced plans to produce a "star-studded entertainment tribute to the freedom-loving people of El Salvador," a tribute they hope will be funded by the Reagan Administration.

"We're confident that the similarities between the situation in El Salvador and that in Poland will compel the President to fund our program out of fairness," said the committee spokesperson Michael Shea. In February, the Reagan Administration funded a $350,000 television special entitled "Let Poland Be Poland" which was broadcast to selected foreign countries to reflect international concern for the plight of the Polish people.

The Boston-based committee was formed by men and women "concerned about the repressive situations in both Poland and El Salvador," Shea said.

"Ronald Reagan made it clear in his stand against Soviet intervention in Poland that he is opposed to superpower interference in the affairs of people fighting for freedom in their own lands," Shea said.

"We know that Ronald Reagan doesn't have a repressive bone in his body, and that if he is against the military crackdown by the Soviet's puppet Polish government, he must in fairness also oppose what the U.S. is doing in El Salvador today."

Shea pointed out that the Catholic Church has strongly opposed both the Soviet-supported imposition of martial law in Poland and the United States' support for the government in El Salvador.

The committee announced today that it had sent a letter to President Reagan requesting funding for the television program. They also sent a letter to Frank Sinatra, asking that he appear in "Let El Salvador Be El Salvador," just as he appeared in the earlier production "Let Poland Be Poland."

The committee statement said: "President Reagan promised to initiate a consistent and coherent foreign policy. If it is administration policy to allow the Polish people to decide their own future, it would seem consistent to allow the people of El Salvador to do the same."

"We know that President Reagan is an honest and fair man, but we feel he has been manipulated by people around him into misconceptions about the situation in Central America . . . as when he confused Nicaragua and El Salvador during a recent press conference," Shea continued. "We feel that a White House showing of 'Let El Salvador Be El Salvador' will help clear up some of the President's confusion, and that a nation-wide broadcast of the program will help all Americans see the similarities between the Soviet role in Poland and our role in El Salvador."

"Those of us who stayed awake during the Vietnam War have no desire to relive it, or get involved in another nation's civil war."

The members of the committee, most of whom are attending the Kennedy School of Government at Harvard University, are: Michael Shea, Ann Fitzgerald, Judith Shaw, Paul Shone, Eric Elbot, Joseph Roberts, Diane Doherty, Evelyn Martinez, Eugene Sullivan, Susan Brophy, William McDermott, Linda Bassett, Clark Zeigler, Amy Stursberg, Betsy Houghteling, and Patricia Moore.●

STRANGLING EDUCATION WITH BUDGET CUTS—AMERICA AT RISK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. BIAGGI. Mr. Speaker, at a time when American students are falling behind their counterparts in the Soviet Union and West Germany academically, particularly in terms of math and science, the Reagan education budget promises to cripple programs which have proven their effectiveness in improving achievement levels of our young people.

As New York's senior member of the House Education and Labor Committee where these programs began, I am outraged that this administration would seek to cut these programs—such as title I—by as much as 40 percent. Education is the lifeblood of this Nation. Every muscle of productivity is fed by this vital resource. By retarding its circulation, we retard economic growth and render ourselves unable to compete in a highly technological society.

In its initial response to the President's proposed budget for 1983, the Education and Labor Committee yesterday clearly rejected recommending funding levels for elementary and secondary programs. In our report to the Budget Committee, in setting a recommended spending target for these programs, the committee rejected the $1.9 billion funding level for title I and increased this to $5.2 billion. For the block grant under chapter II, the committee raised its level to $1 billion from the President's proposal of $432 million. While these numbers are targets and not binding—they nonetheless represent our sentiments about the President's fiscal year 1983 proposals for education.

Title I is a prime example of the regressive mentality that characterizes this budget. First enacted in 1865, this program is designed to provide remedial instruction in reading and math for disadvantaged children. During the 1980-81 school year, approximately 5.4 million students, preschool through grade 12, received title I services. As a result of last year's cut in this program, only 40 percent of all eligible children are now participating in this program.

If the proposal to trim this program by 40 percent from current funding levels, some 2.5 million needy children will be cut from this program in the 1983-84 school year—half of all those served in 1981-82. In addition, some 100,000 teachers and student aides would also be lost—many being title I

parents for whom it would be difficult to find other employment.

In my own city of New York, these cuts would be disastrous. Already overburdened by last year's cuts, the system would lose $16.1 million, eliminating services to 75,500 of the 400,000 students now being served as well as 500 full-time positions. By 1984, the city could lose a total of 1,140 full-time teaching positions affecting 158,000 students. The cuts in other programs that would be sustained if this budget were adopted include: $1.1 million for the education block grant; $1.2 million in bilingual dollars; and $2.2 million in vocational and adult education funds.

According to the date, these compensatory education programs are both cost-effective and well as successful in achieving their goals. The singular success of title I was even echoed by Secretary of Education Terrel Bell—who came before our committee last week to defend these cuts.

In a national evaluation of education programs conducted by the Department of Education, title I reading students were found to improve 10 to 17 percent more than similar nontitle I students in grades 1 through 3. Title I is also cited with eliminating over 40 percent of the difference in reading achievement between minority and nonminority children.

As the Federal Government tightens its belt, we are supposed to accept title I cuts as an inevitability. Yet, in 1 week, the Department of Defense devours what it would cost to fund the entire title I program. Clearly, the cuts in this area have been disproportionate and any further ones must be forestalled.

Cuts to our other programs for the disadvantaged, such as the highly successful TRIO programs, will debilitate these projects which encourage secondary school students to continue their educational careers. Upward Bound is scheduled to be reduced from $446 to $175 million, eliminating 23,000 students. Educational opportunity centers and the Talent Search project will be terminated—affecting 270,000 students. Federal funding for Indian education, which provides support to 200 tribally operated schools and public schools which serve Indians would also be slashed by $18 million.

Education cannot be expected to answer the needs of our Nation, if our Nation's Government refuses to answer the needs of education. As a strong supporter of these programs, I will work vigorously to preserve adequate funds for all these programs so that our progressive system of education will be preserved. To do anything less, would be to cripple the minds of today for the world of tomorrow. I urge my colleagues to join me in rejecting these education cuts.●

LIFE INSURANCE INDUSTRY'S STATEMENT ON ECONOMIC POLICY ISSUES OF 1982

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. SOLARZ. Mr. Speaker, the American Council of Life Insurance, the trade association representing the Nation's life insurance business, has recently submitted a statement on economic policy issues to the Joint Economic Committee. This annual statement sets forth the views of America's life insurance companies on the economic challenges facing the country and suggests some steps which might be taken to address many of the economic problems we are currently experiencing.

The life insurance business has a particular interest in the state of the country's economy. It is a major source of long-term investment in the United States. In 1981, alone, it invested over $28 billion in new funds in the Nation's economy. Last year, life insurance companies paid $5 billion in benefits through private pension plans. The life insurance business is responsible for the guaranteed protection of 147 million policy holders.

While I do not endorse the ACLI statement, I believe it is imperative that we encourage an open and active discussion of those economic policy issues which the Congress, and particularly those of us who serve on the Budget Committee, must address in the coming weeks. Mr. Speaker, I insert the ACLI statement in today's RECORD and commend it to our colleagues' attention:

STATEMENT ON ECONOMIC POLICY ISSUES OF 1982

SUBMITTED TO THE JOINT ECONOMIC COMMITTEE OF THE CONGRESS BY THE AMERICAN COUNCIL OF LIFE INSURANCE, FEBRUARY 23, 1982

This statement is submitted on behalf of the American Council of Life Insurance, a national trade association with a membership of 524 companies which account for 96 percent of the legal reserve life insurance in force and 97 percent of the total assets of all U.S. life insurance companies. At the end of 1981, total assets of the life insurance business aggregated more than $520 billion, invested mainly in corporate and Government securities and mortgage loans to business and individuals. These funds represent the savings that have been entrusted to the life insurance business by millions of individual policyholders and employee benefit plans. We are pleased to have this opportunity to present the views of our business to the Joint Economic Committee as part of its deliberations over national economic policies.

THE FRAMEWORK FOR ECONOMIC POLICY

We believe that the major emphasis of national economic policy for 1982 should be to promote economic recovery while further reducing the rate of inflation. We are gratified by the progress that has been made over this past year in bringing down the inflation rate from the 12- to 13-percent range of late 1980 to a current level of about 8 percent. If appropriate economic policies are pursued, there is a definite prospect that inflation can be lowered still further by year-end to perhaps the 7-percent range.

Nevertheless, prospects for the economy in 1982 are far from favorable. The economy is currently in a cyclical recession which promises to boost the unemployment rate to 9 percent and beyond, while the plant utilization rate hovers just above 70 percent of capacity. Many forecasters both in Government and in private industry are predicting that a trough will be reached within the next few months, but there is serious question about the strength of the recovery that is in prospect for the latter half of 1982.

A major reason for expecting a weak recovery is the drag on economic activity exerted by the current high levels of interest rates. In spite of the current economic downturn, long-term rates have recently moved back up toward the record highs that were reached last fall, which in turn exceeded the earlier peak levels registered at the end of 1980. In real terms, adjusted for the current inflation rate, long-term interest rates today have reached levels higher than at any time in this century, including even the years 1907, 1920 and 1931-32—years that are notable in economic history as periods of extreme financial stress. One goal of national economic policy must be to facilitate a reduction in real interest rates in order to foster economic recovery, but without triggering an upturn in the inflation rate.

OUTLOOK FOR THE FEDERAL BUDGET

In our view, a major barrier to achieving the goals of sustainable economic growth, lower interest rates, and further reductions in inflation is the outlook for the Federal budget. In his annual Budget Message, the President has projected a deficit of $99 billion in the current fiscal year, followed by a $92 billion budget deficit for the fiscal year 1983. Indeed, outside observers are fearful that the deficits in fiscal 1983 and beyond will register a succession of rising deficits, ranging well above $100 billion. This outcome could result from an unfortunate cycle in which incomplete economic recovery holds down tax revenues and enlarges the deficit, and the expended need for borrowing then raises interest outlays on the debt, and leads to still larger deficits.

It is our considered opinion that the magnitude of the Federal budget deficit now in prospect is intolerable. The Congress must find ways to achieve a substantial reduction in the fiscal year 1983 deficit and thereby break the potential cycle of escalating deficits in future years. This can be achieved, we believe, by a three-part program which scales down the proposed levels of military expenditures, cuts back on the high volume of outlays for Federal transfer payments, and increases budget receipts by various methods to improve tax collections.

As to military spending, we note that the Budget Message proposes that defense outlays over the next few years would rise from 5.6 percent of the gross national product in 1981 to 7.3 percent in 1987. Taken as a share of the total Federal budget, defense would climb from 24 percent last year to 37 percent in 1987. While we recognize the importance of maintaining a strong position for our national security, we question whether this sharp acceleration in military outlays is consistent with attainment of broader na-

tional goals. In our view, it would be shortsighted to subordinate the imperative of a healthy economy to the goal of strengthening our defense posture. We have learned in earlier periods of military activity that the most vital underpinning of a strong defense is a strong and productive economy. In order to further the goal of reducing the projected budget deficit by a significant amount, we urge the Congress to examine every possible avenue for achieving greater efficiencies in the application of our defense dollars.

THE ROLE OF TRANSFER PAYMENTS

Another area of Federal outlays that requires close scrutiny is the area of transfer payments, comprising such functions as social security, medicare, Federal retirement programs, veterans' benefits, welfare payments, and the like. We recognize that these many and varied programs have been developed over the years to meet very genuine needs in our society—the poor, the disadvantaged, and the elderly. But it has become increasingly clear that outlays for these programs threaten to expand beyond our capacity to support them.

Federal transfer payments to persons amounted to 4.6 percent of gross national product in the early 1960's, but this share had risen by 1981 to 9.6 percent of GNP. The order to hold back a continuation of this upward trend and also to achieve significant reduction in future deficits, we urge that Federal transfer payments be held within the bounds of a simple guideline, namely that such payments rise no faster than the growth in GNP in future budget years.

The third essential means for reducing the outsized budget deficit in 1983 is through Federal tax policy that would increase the volume of tax collections. Methods should be chosen that would not disturb the basic thrust of the individual and corporate income tax reductions that were legislated last summer, to take effect in a series of steps. There are various ways that could be adopted to raise billions of dollars of additional revenue to the benefit of our national budget position, without jeopardizing incentives to work and invest. We urge the Congress to pursue these avenues in tax policy as one means of reducing the potential upward trend in budget deficits.

THE ROLE OF MONETARY POLICY

A critical element in achieving our national goals of renewed economic growth and greater price stability is the effective application of monetary policy. The Federal Reserve System has recently reaffirmed its 1982 policy targets, setting forth a range of 2½ percent to 5½ percent for the growth of the money supply (M1). This target represents a reduction in the upper limit of one-half percentage point from the comparable monetary target for 1981 and is designed to achieve further progress in reducing price inflation.

As a broad rule, we believe that monetary policy should seek to assure that growth in the money supply will be sufficiently constrained to bring down the rate of inflation, while still leaving room for some real growth in economic activity. This is not an easy balancing act to achieve in practice, but it has become increasingly clear that the results desired for our economy cannot be achieved without persistent application of this approach over a considerable time period.

During the past 3 years, we have advocated a monetary policy of successively lower growth rates in the money supply. Indeed, we regard such a policy as a crucial element in the complex of national policies to bring about a lower rate of inflation. We therefore support the monetary targets announced recently by Federal Reserve Chairman Volcker. At the same time, it would seem appropriate for the Federal Reserve to tolerate M1 growth in 1982 near the upper end of its 2½- to 5½-percent target range, so as not to stifle emerging credit needs of the private sector as the economy moves into a recovery phase later in the year.

SUMMARY

The current size of the Federal deficit and the likely upward trend in deficits are intolerable. The potential harm to the economy from high "real" interest rates demands a reconsideration of the size of proposed increases in defense outlays as well as the scope and size of transfer payments. In addition, we must examine various possibilities for raising tax revenues as one necessary way to hold down the size of deficits. Without a strong economy we cannot hope to maintain a strong defense and meet the legitimate needs of other programs which Government must provide.●

THE 63D ANNIVERSARY CELEBRATED BY THE AMERICAN LEGION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. ANNUNZIO. Mr. Speaker, on March 15, the members of the American Legion celebrate the 63d anniversary of the founding of their fine organization. It was on this date in 1919 that delegates from the First American Expeditionary Force met in Paris, France, to acknowledge that their responsibility to each other and to their country's citizens did not end with the signing of the armistice agreement. At that time, they pledged:

To promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy, and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The dedication of Legionnaires to these ideals has never wavered. The American Legion has grown to a membership of 2.7 million with an auxiliary membership of approximately 1 million. Deeply concerned for the welfare of the nation's veterans and their dependents, the Legion and auxiliary have sponsored numerous programs and events for the youth of this country.

The Legion sponsors an oratorical contest for high school students wishing to compete for college scholarships, with $66,000 in prizes awarded annually. The contest, requiring students to give an oration on some phase of the U.S. Constitution, helps students understand and appreciate the duties and obligations of a citizen.

American Legion baseball, well known to many, is in its 57th year, with participation by 80,000 youth—totaling 4,000 teams. Through this program youth improve their physical fitness and develop a keener sense of good sportsmanship, good citizenship and fair play. Over 55 percent of the active major league players received American Legion baseball training during their youth playing days.

Receiving valuable experience pertaining to the functions of city, county, State, and Federal governments, 30,000 high school juniors annually participate in Boys States programs across the Nation and two representatives from each State attend Boys Nation.

The American Legion School Medal Award is given to thousands of young students each year. This program encourages the recognition of young people who display outstanding performance in the areas of courage, honor, leadership, patriotism, scholarship, and service.

Supported for many years, thousands of Legion and auxiliary volunteers give their time and talents to the special Olympics program each year. As a prime sponsor, the Legion contributes approximately $800,000 annually to fund those events.

The American Legion has taken a leading role in educating the public about Reye's syndrome, a disease afflicting children which is on the list of least known and understood diseases. The Legion has distributed over 150,000 brochures on Reye's syndrome, reaching 3-million families.

The American Legion Child Welfare Foundation has awarded nine grants, totaling $118,219, to voluntary, nonprofit organizations actively engaged in research to benefit youth. Programs such as Reye's syndrome, juvenile delinquency prevention, cystic fibrosis, immune deficiency diseases and Tourette syndrome have been supported by these grants.

A career and scholarship handbook, "Need A Lift?" which is revised and expanded annually by the Legion is offered to interested parents and students. This handbook has become recognized as one of the most complete sources of this information available in the United States.

Maintaining an active role as a member of the American Blood Commission, the Legion donated 281,732 pints of blood to the American Red Cross last year.

Working on the community level, Legionnaires are actively involved in national crime resistance, energy, and drug abuse prevention programs. The Legion also provides and distributes a "Get Out the Vote" promotion kit to increase voter participation.

Last year alone Legionnaires spent 2,237,256 hours volunteering their

services at Veterans' Administration hospitals and 5,606,713 hours volunteering their services at the community level.

Mr. Speaker, I am proud to join with American Legionnaries in my own 11th District of Illinois, which I am honored to represent, the city of Chicago, and all over this Nation as they commemorate their anniversary, and I extend to all of them my best wishes for success as they continue to build on their splendid record of excellence and achievement in service to America.●

POLLUTION PREVENTION PAYS

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. ERDAHL. Mr. Speaker, part of the blame for pollution of our environment can correctly be assumed by nearly every segment of our society.

As a supporter of strong measures to protect our air, water, and soil, I was pleased to have called to my attention the pollution prevention program inaugurated by a major manufacturing company in my State of Minnesota, well known to everyone as 3M.

In the December 1981 issue of Financier Magazine, an article appeared in which 3M's Board Chairman Lewis W. Lehr described the impact of this 7-year-old initiative. His enthusiasm and the name of the program, "Pollution Prevention Pays," should encourage similar action by companies fearing adverse economic effects of pollution containment measures. The article follows:

[From Financier Magazine, December 1981]

PREVENTING POLLUTION PAYS BETTER THAN CONTROLLING IT

(By Lewis W. Lehr)

(If you make no mess, you have nothing to clean up. That is an environmental truism that is not nearly so simplistic as might appear upon first thought, Mr. Lehr declares in this article written for Financier.

(In fact, he notes, that idea lies behind an alternative approach to environmental protection that has gained a foothold in recent years and holds great promise for the '80s and beyond.

(This is the concept of pollution prevention, as distinct from pollution control, the Chairman of 3M points out. It means doing away with, or reducing, the sources of pollution before clean-up problems occur, which in turn reduces the need for pollution controls.

(Practical application of this concept has saved his company nearly $100 million since 1975.)

Pollution Prevention is the environmental aspect of conservation-oriented technology, which is based on conservation in all aspects, from raw-material supply and production to consumption and disposal.

The idea is to use a minimum of resources to accomplish objectives and to create a minimum of pollution. It also means learning to create resources from pollution, such as the making of nylon and other materials from the waste by-products of petroleum, as was done some years ago.

The environmental benefits and economic incentives in this approach to pollution abatement are evident. Financial and natural resources can be saved, and technology innovations can be achieved.

To see where we are heading in this direction, however, requires a thoughtful look at where we have been. Governments and industries alike traditionally have been preoccupied with controlling pollution instead of eliminating its sources.

This occurred at least partially because the original battery of environmental laws and regulations that followed Earth Day was a reaction to problems that already existed, instead of an intent to prevent new ones.

TREATING THE SYMPTOMS

Hindsight has made it clear that we have placed too much emphasis on pollution control. We have been treating the symptoms by relying on complex mechanisms, attached at great expense to the end of a production line.

The tendency is to catalogue these controls as "black boxes" and to avert the eyes from pollution problems, as long as the black boxes work, and regulators are satisfied.

These black-box controls, however, merely shift the problem from one form of pollution to another, and they are contrary to the immutable Law of Conservation.

This law states that we can change the form of matter, but matter does not disappear. Purifying waste water creates sludge. Burning chemical wastes creates particulate matter and fumes. Both residues are pollution and create disposal problems of their own.

By using control measures, we also have been responsible for creating off-site pollution—generated by those who produce the energy and materials we use for abatement measures.

That includes such things as the fossil fuel consumed and sulfur dioxide and particulates wafted into the air by a power plant located far away, but which generates electricity for our environmental-control purposes.

The black-box approach also has been a major drain on the U.S. economy in terms of energy and natural resources consumed to control pollution and in the dollars thus diverted away from production.

In one year alone, for example, just 146 chemical companies in North America consumed the energy equivalent of 61 trillion BTU's for pollution control—7.3 percent of their total energy requirements, and enough energy to supply a year's heat and electricity for 300,000 typical homes in a climate as severe as Chicago's.

These same companies—130 in the United States and 16 in Canada—also estimated that their pollution-control spending for two recent years at 8.1 percent of total capital investment, which was double their rate of pollution-control investment in the decade 1961-1972.

The Council for Environmental Quality estimates that the total U.S. bill for pollution control in 1979 was $55.9 billion, which was more than 2 percent of GNP and more than 14 percent of gross private investment.

Of this amount, the industrial sector alone spent $13 billion for just air- and water-pollution control—the equivalent of $170 for every household in the country. In the decade through 1988, this spending was forecast at $167.5 billion in constant (1979) dollars, or about $1,900 per household.

OPERATING COSTS ESCALATE

While capital costs remain a significant portion of this spending, operating costs increasingly are becoming a major burden as well, and one which threatens to escalate out of control.

In a hypothetical example, a municipal waste-water treatment facility can be built for $1.8 million to process 1 million gallons daily.

If the facility is amortized over 20 years, the annual capital cost is $90,000, which becomes about $180,000 when interest charges and other financial factors are included.

The operating costs would be about 35 cents per thousand gallons of treated waste water, or about $128,000 to treat 365 million gallons annually.

This means that the operating cost of the plant is more than half the annual amortized capital cost. It also can be projected that these operating costs will rise eventually to exceed the annual cost of capital equipment.

In addition, the cost of pollution control, the resources consumed and the residue produced increase exponentially as removal percentages rise to the last few points.

In other words, the unit cost becomes four or five times greater when you try to get from a base level of 85 percent removal to a goal of 95 percent than it was to achieve the 85 percent. At the same time, the amount of residue produced per ton of pollution removed is increased by 200 percent for the advance beyond 85 percent.

When all of these factors are considered, it is apparent that the black-box approach, at some point, creates more pollution than it removes and consumes valuable resources out of proportion to its benefits.

It also explains why Dr. Joseph T. Ling, 3M's vice president of environmental engineering and pollution control, is fond of quoting from Catch 22, Joseph Heller's satire about war. Dr. Ling says that Mr. Heller deals with paradox and irony, and "these often seem to be staples of an environmental engineer's diet as well."

Dr. Ling finds a Catch-22 situation in the use of pollution controls, in that it takes resources to remove pollution. Pollution removal generates residue. It takes more resources to dispose of this residue—which disposal also produces pollution. Paradox and irony, indeed, abound.

In addition, pollution controls work best with simple pollution present in large quantities. They are not effective in dealing with those pollutants that are the by-product of sophisticated technology and which exist only in minute quantities—expressed in parts per billion or trillion.

It is only recently that technology has existed with which to measure such tiny quantities of pollution, let alone remove them.

UNATTAINABLE OR VERY EXPENSIVE

Removal of these tiny amounts of pollution is either technically unattainable or extraordinarily expensive in both money and consumption of energy and other natural resources.

When all of these factors are considered, along with the flagging economy and energy shortages of the mid-'70s, it becomes apparent why the emphasis began to shift from pollution controls to pollution prevention. At present, this shift is more evolutionary

than revolutionary, but nevertheless a shift is taking place.

The use of pollution controls has become recognized as a wasteful and ineffective way of improving the environment, which cannot be tolerated if an alternative is available. The world has come to realize that the natural limits on its resources can form a constricting noose.

This realization has created an intensity of attention similar to that which Dr. Samuel Johnson described when he said: "Depend upon it, sir, when a man knows he's to be hanged in a fortnight, it concentrates his mind wonderfully."

Concentration of that intensity on the environment is shown by a growing international awareness and interest in conservation-oriented technology, with emphasis on pollution prevention.

In 1976, the UN Economic Commission for Europe held a conference in Paris on "Non-Waste Technology and Production," which drew participation from more than 25 countries. Technical papers were presented on all aspects of resource conservation—from a model for administering conservation-oriented technology to a case study of how to glean minerals from the residue of coal mining.

A year later, the U.S. EPA and Department of Commerce joined with representatives of industry to hold four regional pollution-prevention conferences.

Also in 1977, Dr. Michael Royston, an internationally recognized environmental specialist from the Centre d'Etudes Industrielles in Geneva, published perhaps the first book specifically about resource-conservation-oriented technology. It was titled "Pollution Prevention Pays."

The book had special significance for us at 3M, because Dr. Royston selected as the book's title the name of our Pollution Prevention Pays Program, which was thought out in 1974 and introduced throughout our company beginnng in 1975.

The 3P Program is an effort that we continue today and will emphasize as far into the future as we can project. It has been so effective that it would be continued for economic and technological reasons alone, even if the environment and conservation incentives were ignored.

In addition to those factors, we were interested in pursuing a pollution-prevention effort because of additional requirements imposed by the Toxic Substances Control Act and other legislation and regulations that are involved with product use.

TYPE A, TYPE B

Pollution controls work only against pollution created during the manufacturing process which we call Type A pollution. They do not, and cannot, cope with pollution related to product use, which we call Type B pollution.

Type B pollution involves the environmental impact of products after they leave the factory, which is beyond solving by controls in manufacturing.

The two types of pollution are interlocked, however, because the Type B pollution for a manufacturer can become a Type A problem for the user of his product.

If the user is another manufacturer, that company will have to build pollution controls to cope with the problem, or find a substitute product to purchase—instead of ours.

3M has been very concerned about the Type B problem. Our scientists, for example, have eliminated a mercury catalyst from an electrical insulating resin, which did away with any mercury-related pollution problem for the user of that resin. This type of activity contributes to one of the measurements we use to gauge the effectiveness of our 3P Program. "Sales retained of products that otherwise might become environmentally unacceptable."

Since 1975, the 3P approach to product design and process development has become standard within the company. Our effort focuses on eliminating pollution sources through product reformulation, process modification, equipment redesign and recovery of waste material for reuse.

The program has produced considerable dollar savings from pollution-control equipment and operating costs that could be eliminated or delayed. It also has eliminated significant amounts of pollution discharges annually.

From 1975 through the first half of 1981, when the most recent 3P status report was published, the program has produced total savings of $82 million. This includes $62.5 million from U.S. Operations and $19.5 million from International. Estimated savings through year-end 1981 were $96 million.

In the United States, 3P savings include $17 million for pollution-control equipment and facilities; $32.5 million for operating costs; $2.3 million for energy savings not included in operating costs and $19.7 million for sales retained of products that might have been taken off the market as environmentally unacceptable. 60 to 70 percent of operating-cost savings are repeated annually but are not included in the totals.

Each year, the program has eliminated environmental discharges that average 112 million tons of air pollution, 2,800 tons of water pollutants, 870 million gallons of waste water and 4,500 tons of sludge and solid waste.

In addition, the program's annual energy savings are estimated at 945 billion BTU, the equivalent of 172,000 barrels of oil. These results have accrued from 105 projects in the United States and another 400 projects overseas, where the program has been put into use by 16 of our subsidiary companies.

The 3P Program was established to achieve:

An improved environment.

Reduced capital and operating costs for pollution control.

Reduced material and energy costs.

Increased sales of products with reduced pollution potential.

The spin-off of technologies, perhaps leading to commercial development of new products.

The name Pollution Prevention Pays was selected after considerable debate over whether the word "pays" should be associated with pollution prevention.

Since the program strives for environmental and cost-control payoffs, it was decided that payoff not only should be equated with the effort but was an essential motivating factor.

To be eligible for recognition under the 3P Program, technical activity must meet several criteria. It has to eliminate or reduce actual or potential pollution and have a potential monetary benefit to 3M. It also has to represent a genuine technical accomplishment and personal effort.

Contributors to the program have proven to be among 3M's most creative technical employees, and this recognition serves to reinforce their reputations and contribute to career growth. Recognition is the only immediate award, because it is an employee satisfier, and the company avoids prizes or cash awards that smack of contests and promotions.

Because 3M is a new-products-oriented company, products and processes always are being invented or modified, and it has been comparatively easy for us to incorporate pollution prevention into our technical activity.

In some industries, however, processes cannot be changed, or at least not easily, without disrupting or halting total production. Changeover may be too costly, or there may be no resource-conservation technology to eliminate the pollution sources. For example, many heavy industries have no realistic alternative to conventional abatement methods and, hence, a 3P Program would not be very effective for them.

DEVELOP OWN TECHNOLOGIES

Our recommendation is to use resource-conservation technology wherever and whenever possible and practical. Overall, success in this type of endeavor depends upon individual companies or industries developing their own technologies to prevent pollution, as they develop their own techniques to produce goods and services.

Indications are that society is moving away from the trap of thinking that tomorrow's technology will be the same as today's.

Solutions to our present and future environmental problems will come from new and better technology, based on conservation-oriented systems and the pollution-prevention approach.●

A SALUTE TO DR. BYRL SHOEMAKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. STOKES. Mr. Speaker, it is a pleasure for me to join with educators in the State of Ohio at this time in saluting Dr. Byrl Shoemaker for the yeoman's job he has done as the director of vocational education and executive director of vocational and career education and school food service in Ohio. It is primarily because of the vision and dedication of Dr. Shoemaker that the division of vocational education can boast of exemplary programs throughout the Buckeye State.

Mr. Speaker, 77 percent of eligible students in the eight major cities in Ohio were enrolled in vocational family life or job training programs in 1980. The rate of placement for graduates in those same cities in 1980 reached 94 percent. These statistics are a testimonial to the perseverance of Dr. Shoemaker on behalf of vocational education in Ohio.

Mr. Speaker, recently, in a ceremony hosted by East Cleveland City Schools Superintendent Dr. Rondle Edwards, Dr. Shoemaker was cited for his achievements on behalf of vocational education. I believe that it would be appropriate at this juncture to share

some of the achievements of Dr. Shoemaker with my colleagues.

Mr. Speaker, Dr. Shoemaker has been the catalyst for insuring that vocational education programs in Ohio are efficient and productive. Since 1962, when he accepted the post as director of vocational education, Dr. Shoemaker has been the shepherd who has guided and given direction to the program in Ohio. He simultaneously helped to elevate the subject of vocational education on the State's priority list of education programs.

Accordingly, Mr. Speaker, since Dr. Shoemaker became the head of vocational education in Ohio, the program has grown to be a major educational program in the State. In 1962, the State's vocational education program served only 7 percent of the youth in the last 2 years of high school. In 1980, that figure had increased to 57 percent statewide. Similarly, in 1962, only 97,000 adults were being served by vocational training programs. In 1980, that figure had increased to over 340,000. Today, over 98 percent of all youth in Ohio have an adequate program of vocational education available to them.

Furthermore, the 2-year post-high school technical education programs now operated by the board of regents in Ohio were initiated by the division of vocational education in the early 1960's. The career development programs to assist youth to make better choices for professional, technical, or vocational education were developed by the division of vocational education in the 1970's.

Mr. Speaker, it is almost impossible to separate the success of the vocational education program in Ohio from the achievements of Dr. Byrl Shoemaker. The expansion of that program is the brainchild of Dr. Shoemaker.

Everyone associated with vocational education in Ohio knows of Dr. Shoemaker. However, Mr. Speaker, his notoriety does not end there. Dr. Shoemaker has held many national offices in professional associations including the presidency of the American Vocational Association and the National Association of State Directors of Vocational Education. His exhaustive list of achievements includes serving on numerous committees and boards across this Nation and giving vital testimony to committees of this body on numerous occasions.

With those thoughts in mind, Mr. Speaker, I ask my colleagues to pause and salute the man who has made an indelible mark on vocational education in Ohio—Dr. Byrl Shoemaker.●

MIDDLE EAST'S FUTURE AND ADMINISTRATION POLICIES DISCUSSED

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. WAXMAN. Mr. Speaker, I would like to commend to the attention of my colleagues an unusually insightful speech delivered to the World Affairs Council/American Jewish Committee in Portland, Oreg., on January 14 by our colleague LES AUCOIN.

In his address, Mr. AUCOIN discusses the future of the Middle East and the administration's policies for that region. His assessment is a most thoughtful one, dealing with a complex subject in a manner that cuts through to a clear statement of U.S. interests and concerns.

Mr. AUCOIN's remarks follow:

THE MIDDLE EAST—WHAT NEXT?

In assessing the future of the Middle East this evening, I'd like to discuss the status of American relations with Israel, the recent controversy over the Golan Heights, and then speculate on the likely events after Israel returns the Sinai to Egypt this April.

When President Reagan took office, he announced that his top foreign policy priority would be the Soviet Union. Within a few months, however, the Middle East moved to the top of the agenda. The administration then tried to develop policies that could meet the Soviet threat in the region, while playing down the significance of regional tensions, including the Arab-Israeli conflict. I believe that was a devasting mistake which triggered a sequence of events which now leaves the United States with less influence with all parties in the region.

The administration believed that its anti-Soviet objectives would be served by the sale of advanced military equipment to Saudi Arabia, including offensive enhancements for the F-15A jet fighter and the sale of 5 AWACS command planes. Accordingly, they concluded an $8.5 billion deal transferring this technology to Saudi Arabia.

It is always difficult to disagree with a president on a major foreign policy initiative. It is particularly difficult to oppose a popular president at the beginning of his term. Despite tremendous pressure from the administration and corporate lobbying, I had no alternative but to oppose the White House.

Indeed, I was one of the cosponsors of the congressional resolution of disapproval. I spoke out against the sale on the House floor and here at home.

I did not then and do not now believe that the AWACS sale was in the best interest of the United States of America. AWACS are so sensitive, so advanced, that we do not even allow our NATO allies to have the exclusive control that Saudi Arabia demanded and got.

I objected to selling these, the most sophisticated weapons in our arsenal, because of the following facts: Saudi Arabia is potentially unstable; Saudi Arabia rejects the Camp David peace process; Saudi Arabia has declared an Islamic holy war against Israel—a war to the finish, a war of extinction; Saudi Arabia could not guarantee the security of the AWACS; Saudi Arabia will not allow American bases on its territory; Saudi Arabia finances and supports the terrorist PLO; Saudi Arabia raised its oil price from $12 a barrel at the time of the last big sale in 1978 to $32 a barrel in 1981.

But there were also three other reasons congressional opponents objected to this sale:

First, it violated a pledge to Congress that this type of equipment would never be sold to Saudi Arabia.

Second, we believed that the United States did not receive enough in return—we did not gain access to bases in Saudi Arabia; we did not receive assurances on the peace process or on oil pricing. It was a one-sided empty bargain.

But third, and most important, the sale undermines the security of America's most dependable ally in the Middle East—Israel. In addition to jeopardizing the existence of Israel, the increasing of the arms race in the region presents Israel with a budget crisis that it cannot afford.

I was gratified that the entire Oregon delegation agreed with these assessments and that every Member from our state voted against the sale.

I was pleased that the House passed the resolution of disapproval by a vote of 301-111. I believe that the vote would have been similar in the Senate if the Senators had voted purely on the merits of the sale.

However, the final vote in the Senate did not reflect the merits of the issue. In that vote, the issue became a referendum on the power and prestige of the presidency rather than the wisdom of this president's policy.

It is, in fact, ironic that the same man who urged the Congress to reject the Panama Canal Treaty and the "Salt II" Treaty on the ground that it is the duty of Congress to correct flawed policies of a president, should claim here that congressional rejection of his White House policies would weaken the power of the presidency itself.

Finally, I was disturbed by the undertones that marked the arguments of some of the proponents of the sale because of what it might portend. When this sale called for a choice between "Reagan or Begin" and when it was asked whether "the Jews should run American foreign policy" it calls into doubt the patriotism of Americans—and is totally unacceptable in a free society. Even the President's comment that he did not want "foreign nations" to interfere in the foreign policy process of the United States was a direct slap at American Jews and Israel. Parenthetically, I must note that this comment was made at the same time that the Administration was going all out to assist Prince Bandar of Saudi Arabia to lobby for the sale.

I cannot express in strong enough terms my rejection of anything that remotely smacks of anti-semitism and charges of "dual loyalty." These charges are not new. But they are repugnant and should not have been ressurected on this issue or any other.

Even though the AWACS sale has been approved, it is important in assessing what comes next in the Mideast to examine the effects of the sale—particularly the actions of Saudi Arabia. The administration tried to gain support for its AWACS position by arguing that Saudi behavior would moderate if the sale was approved. But unfortunately, since the sale the Saudis have: Raised their price of oil to $34 a barrel and lowered production by 1 million barrels per day; pres-

sured the country of Oman to reject American facilities; urged Oman not to participate in operation Bright Star and even offered a $1.2 billion bribe to this effect; contributed an additional $28 million to the PLO; and pushed the Fahd "Peace Plan," which calls for a Palestinian state with "East Jerusalem" as its capital.

This is a "friend?"

This is an "ally?"

This is "moderation?"

Whether we here tonight agree or disagree with the Saudi peace plan, we ought to be appalled that it was rejected because radicals like Syria and Libya thought it was "too moderate" toward Israel. It's interesting to me further to note that Prince Fahd recently met with President Assad of Syria. One hour after their meeting, the Prince cancelled his scheduled, long-awaited trip to the United States—no doubt under pressure from Assad.

Thus, in my review of the facts, I have not seen the promised moderation from the Saudis.

Shortly after the AWACS vote, the administration considered selling an advanced telecommunications satellite system to a consortium of Arab states called Arabstat. The members of this group include Libya, Yemen, Syria, and the PLO. Not only would this sale have military advantages for the very countries listed by the State Department as supporting terrorism, it would be a tacit recognition of the PLO. At this time the administration is still considering whether to proceed.

Let me turn next to the current status of U.S.-Israel relations. Secretary of State Alexander Haig told the House Foreign Affairs Committee on November 12, 1981, that "if our friends are more secure, they will be more willing to take risks for peace." I certainly agree with this statement, but I do not believe that current American foreign policy has been adhering to these guidelines. Recent U.S. actions, statements, and policies have had the effect of increasing Israel's nervousness about the strength and depth of American support.

Israel is beginning to see the United States as a fickle and unreliable ally, quick to abrogate agreements, contractual and otherwise. It sees the United States as frightened of offending the Arabs and irrationally concerned about Moscow. As Jordan recently proved, any nation that even threatens to go to the Soviet Union for succor gains entre in Washington, even if the threatened link to Moscow poses a great danger to that country. The raid on the Iraqi nuclear facility last spring results, in part, from Israel's convictions that neither the United States nor anyone else really cared about the Iraqi nuclear threat and failed to do anything to help despite Israeli pleas.

To a degree, I believe that Israel's recent actions in the Golan Heights are a direct repercussion of the AWACS sale and other American actions.

There has been a great deal of rhetoric concering the Golan Heights—let me briefly explain the situation.

The essence of what Israel did was to extend civil juridiction in place of the military law which had prevailed in the area since the 1967 war. In the words of the Wall Street Journal, Israel merely "imposed the right to a trial by jury on 18,000 Arabs and Jews in the Golan."

This action did not foreclose the option of negotiations on the final settlement of the territory. These negotiations are unlikely, however, because Syria has consistently refused to negotiate with Israel.

There were numerous Syrian actions which led up to the Israeli move. Let's count them: First, Syria invaded Israel three times through the Golan Heights; second, in the 19 years preceding the 1967 War, Syria used the Heights to stage devastating artillery mortar fire on civilian settlers below in the Galilee; third, Syria's actions in southern Lebanon, including the placement of more SAM batteries, endanger Israel's security; fourth, the Syrians totally rejected Philip Habib's efforts to remove the Syrian missiles; fifth, Syrian actions resulted in the collapse of the so-called Arab peace summit and the rejection of the Fahd peace plan. This plan was uncompromising and unacceptable to Israel, but even the remote possibility of Saudi willingness to recognize Israel was unacceptable to Syria; sixth, Syria has signed a friendship treaty with the Soviet Union and is clearly a Soviet surrogate.

I was upset that the United States voted in the U.N. Security Council to condemn Israel for its Golan actions and took unilateral steps to punish Israel. This is an unfortunate signal to send. It gives the impression that Israel, rather than the Soviet surrogate Syria, is the enemy of the United States. This is not the case, as the fundamental friendship between Israel and the United States continues. Thus, I do not believe that the administration's actions were well thought out.

Conversely, I was also upset at the excessive rhetoric used by Prime Minister Begin in response to American actions. This was reckless, insulting, and dangerous rhetoric. I hope that calmer heads will prevail and that America's relations with Israel will rebound from their current status. When there is a storm, the dust eventually settles. The current problems do nothing to change the essential need for strong United States-Israel ties. This is in the best interest of both of our nations.

On April 25 Israel is scheduled to return the last part of the Sinai to Egypt. This will complete the return of 92 percent of the territory taken in the 1967 war as a result of Arab agression against Israel.

As April 25th approaches, Arab pressure on Egypt will mount. Thus far, President Mubarak has given every indication of continuing the good relations established with Israel by President Sadat. Egypt has realized the benefits it gains from peace with Israel.

On the other hand, other Arab states are making efforts to weaken the relationship. It is important for the United States to disassociate itself from these Arab efforts. There have been troubling indications and statements by prominent Americans urging a shift away from the Camp David process. I cite the statements by former Presidents Carter and Ford, the Seven Springs Report by Harold Saunders and Philip Klutznik, the administration's flirtation with the Fahd peace plan, and a background paper prepared for the prestigious Council on Foreign Relations by Malcolm Kerr recommending new U.S. approaches to the PLO. These types of statements and actions only serve to intensify the concerns already expressed in Israel.

As we look forward to future American policies in the Middle East, many pitfalls and problems remain. Israel's security must be preserved, particularly after the return of the Sinai in April, 1982. The instability in southern Lebanon, particularly the increasing number of Syrian and PLO troops and armaments is a potential crisis. Soviet activity in the region, the actions of Qadhafi, and Western reliance on Middle Eastern oil are just a few more issues that must be dealt with in a constructive and careful manner. Your interest and your participation in the American political process are causes for optimism. It is largely because of people like you, people who are informed, active and involved, that we can be confident that America's future actions will contribute to the cause of peace.●

A LETTER TO THE PRESIDENT ON FOREIGN POLICY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. McDONALD. Mr. Speaker, vast attention has been given to media and congressional efforts to prevent our Government from taking a strong stand against Communist imperialism in the Western Hemisphere, as manifested in the present attempted armed takeover of El Salvador.

Many of us are capable of understanding the grim implications of the Soviet-directed military buildup on the mainland of Central America, just as we are capable of recognizing the well-developed pattern of revolutionary warfare manifesting itself in El Salvador—and in the United States, where the propaganda has been rather one-sided. We face an enemy which will take advantage of every display of weakness, and who is not impressed by words; we face an enemy which does believe in "military solutions."

Therefore, I am inserting in the RECORD a letter sent to President Ronald Reagan on March 11, signed by the following Members of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1982.

Hon. RONALD REAGAN,
The President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Once more, it seems to be necessary to call attention to the basic fact of Communist intrusion into the vital space of our American hemisphere. Previous Administrations failed to pursue effective policies, and we now face the consequences of that failure, the abandonment of friends and allies, the visible collapse of policy, and the advance of a hostile imperialism in the Western Hemisphere.

Today we have Soviet-directed puppet governments in the Caribbean which are more powerfully armed than ever before. Somehow, we have been induced to accept the construction of hostile military bases and the intrusion of foreign military forces into regions strategically vital to the United States.

During the Carter Administration, Afghanistan was invaded, opening a whole new front in southern Asia. The betrayal of a friendly government to hostile fanatics added another powerful element of instability to the Middle East picture. Soviet ag-

gression, through the use of Cuban troops and East German specialists in internal security, was permitted to reap considerable rewards in Africa.

Then, as if this were insufficient, the Carter Administration deliberately collaborated with the Marxist Sandinistas to destroy the friendly government of Nicaragua. That country has been converted into a new Soviet base, with military power far in excess of that of all of its neighbors combined. The proposed "balance of democratic forces" in Nicaragua has proven to be no more than another puppet regime. The State Department "White Book" of 1981 demonstrated the extent to which Nicaragua had become an arsenal and base of support for further imperialist ventures disguised as wars of liberation.

If El Salvador is allowed to fall under the control of foreign-directed guerrillas, we must realize that "liberation fronts" for adjacent nations are already named and in training—or, in the case of Guatemala, they are already in action.

Mr. President, you were elected by an overwhelming majority of the American people because they were sickened by foreign policies which have led to a thirty-year chain of unrelieved defeats in the face of Communist imperialism. You promised vigorously that Central America would not be a source of fresh victims.

However, at present, individuals with generous access to the mass media are conditioning the American people to the acceptance of yet another Communist victory, telling us that the Marxist will win, that any effort to prevent this outcome is doomed to failure. We see no effective answer to this propaganda from your Administration.

We have sent money, some equipment, and military training personnel to El Salvador, but we seem committed to the earlier losing pattern of doing too little, too late, and apologetically as well. Passive acceptance of the displacement of one small government after another through the unopposed practice of Communist revolutionary warfare merely hastens our own way of reckoning.

We must not talk of a "negotiated political solution" in El Salvador. This is a standard tactic to gain advantage when neither bullets nor ballots have brought victory. An offer to mediate such a solution has come from Mexican President Jose Lopez Portillo, who has been an open supporter of the guerrillas for more than a year. President Lopez Portillo has also recently brought his own country to a knife-edge of instability by means of a drastic devaluation of the peso. In this policy, he follows in the footsteps of his radical predecessor, Luis Echeverria, who enthusiastically destabilized his own country's economy. Surely it is possible to inform President Lopez Portillo that it is unwise to undercut the March elections in El Salvador by dealing with the five Marxist political "fronts" which have committed themselves to the violent disruption of the electoral process.

Further, it is worth noting that all of the "human rights" propaganda is directed against Communist-targeted governments, while the hundreds of millions reduced to slavery and penury, or driven from their homes or murdered by Communist dictatorships around the world are simply written off by these highly one-sided critics. Those who attempt to defend their countrymen from this fate are, instead, attacked as shameful violators of human rights.

It is well past time to bring to the American people a degree of sophistication about the nature of propaganda and revolutionary warfare. If the continual message of defeatism to which we are subjected is not countered sooner or later, we will hand our enemies an incredibly cheap and final victory.

Mr. President, the accelerating collapse which threatens Central America, then Mexico, and ultimately the United States must be forestalled now. A clear presentation of the facts and prompt action, on whatever scale is necessary, is needed to prevent even faster deterioration of the situation. If you believe that a blockade of Cuba is necessary, then that step must be taken. All of us show leadership and rally the non-Communist majority throughout this hemisphere to the defense of freedom.

It is now or never, Mr. President. The forces directed from Moscow sensed great weakness in our last Administration, and enjoyed widespread victories by taking advantage of that weakness. They braced for setbacks when you took office, but they are discovering that words are not matched by actions, and they are once more on the march.

We must not tolerate the continual program of aggression which has as its final objective the extinction of all freedom everywhere, including throughout the United States of America.

Sincerely,

George Hansen, Jim Jeffries, Philip M. Crane, Samuel S. Stratton, Floyd Spence, Doug Barnard, Jr., Albert Lee Smith, Jr., Carlos J. Moorhead, Larry P. McDonald, John M. Ashbrook, Daniel B. Crane, Eugene Johnston, Gene Taylor, John LeBoutillier, Larry E. Craig, David Dreier, Bill Lowery, Thomas F. Hartnett, Robert K. Dornan, Bill Dickinson, John T. Myers, Robert W. Daniel, Jr., James M. Collins, Billy Lee Evans, Dan Marriott, Ralph M. Hall, J. K. Robinson, Newt Gingrich, Hal Daub, Bob McEwen, Jack Fields, Bill Dannemeyer, Carroll A. Campbell, Jr., Gerald B. H. Solomon, John H. Rousselot, Norman D. Shumway, G. William Whitehurst, Dan Daniel, Bob Stump, Bob Badham, Don Young, Duncan Hunter, Thomas N. Kindness, Earl Hutto, Bill McCollum.●

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES: A GUIDE FOR TAXABLE YEAR 1981

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. BIAGGI. Mr. Speaker, as an original member of the Select Committee on Aging, I am most familiar with the economic pressures faced by our elderly citizens at a time when inflation threatens to drastically change the spending habits of those on fixed incomes. To insure that older Americans do not lose additional income, this checklist has been prepared so that seniors may take advantage of all legal tax reduction measures available. I submit this checklist for the RECORD and urge my colleague to share this information with their own elderly constituents as they prepare their taxes for 1981.

The checklist follows:

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES (A REVISED CHECKLIST OF TAX RETURN INFORMATION FOR USE IN TAXABLE YEAR 1981)

A. FILING REQUIREMENTS

Single individuals

Single individuals under the age of 65 must file a return if they had gross income of $3,300 of more for the year. Those over age 65 must file if they had gross income of $4,300 or more.

Married individuals

Married individuals under the age of 65 must file a return if the couple's combined gross income was $5,400 or more. If only one spouse is age 65 or older, the filing level is $7,400.

An individual who is married and whose spouse files a separate return must file a return if gross income was $1,000 or more.

Qualifying widow or widower

Qualifying widows or widowers must file a return if they had gross income of $4,000 or more during the year. For qualifying widows or widowers who are 65 or older, the filing level is $5,400.

Self-employed persons

Self-employed individuals must file a return if they had net earnings from self-employment of $400 or more.

B. PERSONAL EXEMPTIONS

Each taxpayer is entitled to a $1,000 personal exemption. Married taxpayers generally are entitled to an additional $1,000 exemption for their spouses. Futhermore, additional exemptions are provided for age (65 or older) and blindness. Individuals may take an exemption for each person who qualified as a dependent. A taxpayer may not claim the age and blindness exemptions for a dependent.

C. ZERO BRACKET AMOUNT

The zero bracket amount (formerly, the standard deduction) is the portion of an individual's income which is not subject to the tax. The zero bracket amount is (1) $3,400 for married individuals filing jointly, or qualifying widows or widowers; (2) $2,300 for single individuals, or heads of households; and (3) $1,700 for married individuals filing separately.

D. EXCLUSIONS

Dividends and interest (form 1040 and 1040A, line 8)

For 1981, individuals may exclude up to $200 ($400 on a joint return) of interest and/or dividends received during the year. The maximum $400 exclusion is available regardless of which spouse received the interest or dividend income.

Interest earned on All-Savers certificates (up to $1,000 for a single taxpayer and up to $2,000 for taxpayers filing a joint return) is excludable from taxation. These certificates are available from September 30, 1981 until January 1, 1983.

Capital gains (form 1040, lines 12 and 13—Attach schedule D—Not permitted to use form 1040A)

In general, 60 percent of net long-term capital gain is excluded from gross income. A special alternative tax for 1981 provides that a maximum 20 percent rate (i.e., a 50 percent maximum rate times 40 percent of net capital gains equals a 20 percent mini-

mum tax) on net capital gains applies to sales or exchanges occurring after June 9, 1981. Sales or exchanges prior to this date which result in long-term capital gain are taxed at a maximum 28 percent rate.

Disability income exclusion (form 1040, line 28—Attach form 2440)

An exclusion of up to $100 per week ($5,200 per year) of disability income is provided by law. In general, to qualify for this exclusion, an individual must be under age 65, must have retired on disability, and must have retired because of permanent and total disability. The exclusion is reduced (by an adjusted gross income phaseout) dollar for dollar for adjusted gross income in excess of $15,000. Married taxpayers must file a joint return unless they lived apart at all times during the year. While each spouse is entitled to the $100-a-week exclusion for disability income (sick pay) the adjusted gross income phaseout applies on a per-return basis. A further explanation is contained in Disability Payments issued by the Internal Revenue Service as Publication 522.

Sale of personal residence (form 2119—Not permitted to use form 1040A)

Gain from the sale of taxpayer's principal residence is generally taxable. However, if another residence is purchased or built within the prescribed rollover period, the taxpayer may qualify for the nonrecognition of all or part of the gain on the sale of the old residence, thus deferring tax on the nonrecognized gain. The rollover period runs 18 months before and after a sale or exchange which took place before July 20, 1981. The Economic Recovery Tax Act of 1981 has extended the rollover period to 2 years after that date. In addition, the 2-year period is extended to those transactions which occurred before July 20, 1981, where the previous 18-month rollover period had not expired.

Individuals who are age 55 or older may elect to exclude, on a one-time basis, up to $100,000 of the gain from the sale of a personal residence sold prior to July 20, 1981. The exclusion has been raised to $125,000 for sales made after July 20, 1981. The exclusion applies to a taxpayer for at least 3 of the 5 years ending on the date of the sale. This exclusion is elective and may be used only once. Additional information is available from Internal Revenue Service Publication 523, Tax Information on Selling Your Home.

E. TAX CREDITS

Credit for political contributions (form 1040, line 38; form 1040A, line 13A)

Taxpayers may take a credit for up to one-half of political contributions made during the year. Political contributions are defined as monetary donations made to nominate or to elect a political condidate to office or made to a campaign committee, a newsletter fund, or a national, State, or local committee of a national political party. The maximum credit is $50 on a single return and $100 on a joint return.

Credit for the elderly (tax schedules R or RP)

Individuals who are age 65 or older, or who are under age 65 and receive a taxable pension or annuity from a public retirement system, may be entitled to claim the credit for the elderly. Under current law, individuals who are 65 years of age or older are allowed a tax credit of 15 percent on their taxable retirement income. All types of taxable income are eligible for the credit, including retirement income, earned income and investment income. The maximum base for computing the credit is $2,500 for a single taxpayer 65 or over or for a married couple filing a joint return where both are 65 or older, and $1,875 for a married individual 65 or over filing a separate return. The maximum base must be reduced by the amount of tax-exempt retirement income, such as Social Security. The maximum base must also be reduced by $1 for each $2 by which the taxpayer's adjusted gross income exceeds the following levels: $7,500 for single taxpayers, $10,000 for married couples filing a joint return, and $5,000 for a married individual filing a separate return.

Under the rules applicable to public retirees, retirement income of an individual under 65 includes only income from a pension or annuity under a Federal, State or local retirement system. For an individual who is 65 or over, retirement income includes income from pensions and annuities, interest, rents, dividends, interest from retirement bonds, and income from individual retirement programs. If a public retiree is under 65 but his or her spouse is 65 or over (and thus eligible for the credit of the elderly described above), the couple may elect to compute their credit under the rules applicable to the elderly. The maximum base must be reduced by earned income if the individual has not attained age 72 before the close of the taxable year. If an individual is under 62, the maximum base must be reduced by earned income in excess of $900. If an individual is 62 or over but under 72 the maximum base must be reduced by 50 percent of earned income in excess of $1,200 and under $1,700 and by all earnings over $1,700. Because of the earned income cutback, the adjusted gross income phase out does not apply. The prior earnings requirement is eliminated for public retirees. Publication 524, Credit for the Elderly, is available free from your local Internal Revenue Service Office.

Earned income credit (form 1040, line 57; form 1040A, line 13C—Worksheet provided in instructions)

Taxpayers with dependent children generally are entitled to a refundable credit equal to 10 percent of the first $5,000 of earnings (for a maximum credit of $500). The credit remains at $500 for incomes between $5,000 and $6,000 but it phases out at a rate of 12.5 percent as income rises from $6,000 to $10,000 (that is, the credit is reduced by 12½ cents for each additional dollar of income). A more detailed explanation can be found in *Earned Income Credit*, Publication 596 issued by the Internal Revenue Service.

Child and disabled dependent care credit (form 1040, line 40 and form 2441)—Not permitted to use form 1040A)

Taxpayers may be entitled to a credit equal to 20 percent of the amount paid for the care of a dependent under the age of 15, a disabled dependent, or a disabled spouse, if the payment is made to enable the taxpayer to work. For a taxpayer with one qualifying dependent, the maximum credit is $400. If there are two or more qualifying dependents, the maximum credit is $800.

The Economic Recovery Tax Act of 1981 changed the rules for the child and disabled dependent care credit for the 1982 tax year and subsequent years. Beginning in 1982, the maximum amount of employment-related expenditures eligibe for the child care tax credits is increased from $2,000 to $2,400 for taxpayers with one dependent and from $4,000 to $4,800 for taxpayers with two or more dependents. In addition, the rate of the child care credit is increased from 20 percent to 30 percent for taxpayers with incomes of $10,000 or less. The rate of the credit is reduced by one percentage point for each $2,000 of income, or fraction thereof, above $10,000 until the lowest rate (20 percent) is reached for taxpayers with incomes above $28,000. More information can be obtained by asking the Internal Revenue Service for Publication 503 entitled "Child and Disabled Dependent Care."

Residential energy credit (tax form 5695)

Taxpayers (both owners and renters) are entitled to a credit equal to 15 percent of the first $2,000 spent on qualifying energy-saving items installed in their principal residence (See Internal Revenue Service Publication 903, "Energy Credits for Individuals," for further details). Qualifying energy-saving items include: insulation, storm or thermal windows or doors, caulking or weather stripping, clock thermostats, furnace replacement burners, flue opening modifications, and meters that display the cost of energy use.

In addition, taxpayers may receive an additional energy credit for amounts spent on solar, wind-powered, or geothermal equipment for their homes. This credit is for 40 percent of the first $10,000 of those costs.

F. ITEMIZED DEDUCTIONS

Checklist of itemized deductions of schedule A (form 1040)

Insurance Premiums (Schedule A, Lines 1 and 5)

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

Drugs and Medicines (Schedule A, Lines 2, 3, and 4)

Included in medical expenses (subject to the 3 percent rule) but only to the extent that they exceed 1 percent of adjusted gross income (Line 31, Form 1040).

Drugs and Medicines (Schedule A, Lines 2, 3, and 4)

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of your adjusted gross income. Other allowable medical and dental expenses are:

Abdominal supports (prescribed by a doctor).
Acupuncture services.
Ambulance hire.
Anesthetist.
Arch supports (prescribed by a doctor).
Artificial limbs and teeth.
Back supports (prescribed by a doctor).
Braces.
Capital expenditures for medical purposes (e.g. elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. You should have an independent appraisal made to reflect clearly the increase in value.
Cardiographs.
Chiropodist.
Chiropractor.
Christian Science practitioner, authorized.
Convalescent home (for medical treatment only).
Crutches.
Dental services (e.g., cleaning, X-ray, filling teeth).

Dentures.
Dermatologist.
Eyeglasses.
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as a substitute for your regular diet; physician's statement needed).
Gynecologist.
Hearing aids and batteries.
Home health services.
Hospital expenses.
Insulin treatment.
Invalid chair.
Lab tests.
Lipreading lessons (designed to overcome a handicap).
Neurologist.
Nursing services for medical care, including nurse's board paid by you.
Occupational therapist.
Ophthalmologist.
Optician.
Oral surgery.
Osteopath, licensed.
Pediatrician.
Physical examination.
Physical therapist.
Physician.
Podiatrist.
Psychiatrist.
Psychoanalyst.
Psychologist.
Psychotherapy.
Radium therapy.
Sacroiliac belt (prescribed by a doctor).
Seeing-eye dog and maintenance.
Speech therapist.
Splints.
Supplementary medical insurance (Part B) under medicare.
Surgeon.
Telephone/teletype special communications equipment for the deaf.
Television set if individual has a hearing impairment and the set is specially equipped with a visual display of the audio portion of television programs. Similarly the cost of an adaptor for a conventional television that performs the same function is now considered a medical device eligible for the deduction by the IRS.
Transportation expenses for medical purposes (9 cents per mile, plus parking and tolls or actual fares for taxi, buses, etc.).
Vaccines.
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).
Wheelchairs.
Whirlpool baths for medical purposes.
X-rays.

Expenses may be deducted only in the year you paid them. If you charge medical expenses on your bank credit card, the expenses are deducted in the year the charge is made regardless of when the bank is repaid.

For additional information see Publication 502 issued by the Internal Revenue Service known as Medical and Dental Expenses.

Taxes (Schedule A, Lines 11 to 16 and 34)

Real Estate.
General sales.
State and local income.
Personal property.

If sales tax tables are used in arriving at your deductions, ordinarily you may add to the amount shown in the tax tables the sales tax paid on the purchase of the following items: automobiles, trucks, motorcycles, airplanes, boats, mobile homes, materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income.

For example: social security, workmen's compensation, veterans' pensions or compensation payments, railroad retirement annuities, untaxed portion of long-term capital gains, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation, and public assistance payments.

Interest (Schedule A, Lines 17 to 20 and 35)

Home mortgage.
Auto loan.
Installment purchase (televison, washer, dryer, etc.)

Bank credit cards—can deduct the finance charge as interest if no part is for service charge, loan fees, credit investigation fees, or similar charges.

Other credit cards—you may deduct as interest the finance charges added to your monthly statement, expressed as an annual percentage rate, that are based on the unpaid monthly balance.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money and only if the charging of points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized). Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—you may deduct the separately stated "finance charge" expressed as an annual percentage rate.

A further explanation of this deduction can be found in the Internal Revenue Service Publication 545, Interest and Expense.

Contributions (Schedule A, Lines 21 to 24 and 36)

In general, contributions may be deducted up to the amount equal to 50 percent of your adjusted gross income (Form 1040, line 31). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes; (2) prevention of cruelty to children or animals; or (3) Federal, State or local government units (tuition for children attending parochial schools is not deductible).

Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property special rules apply. Contact your local IRS office.)

Travel expenses (actual of 9 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in your home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

Casualty or Theft Losses (Schedule A, Lines 25 to 29 and 37 or Form 4684)

Casualty (e.g., tornado, flood, storm, fire, or automobile accident provided not caused by willful act or willful negligence) or theft losses—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, you may use Form 4684 for computing your personal casualty loss. Two publications, 547 and 584, are available from the Internal Revenue Service to help in properly filing for this deduction.

Miscellaneous (Schedule A, Lines 30 to 32 and 38)

Appraisal fees to determine the amount of a casualty loss or to determine the fair market value of charitable contributions.
Union dues.
Cost of preparation of income tax returns.
Cost of tools for employee (depreciated over the useful life of the tools).
Dues for chamber of commerce (if as a business expense).
Rental cost of a safe-deposit box used to store income-producing property.
Fees paid to investment counselors.
Subscriptions to business publications.
Telephone and postage in connection with investments.
Uniforms required for employment and not generally wearable off the job.
Maintenance of uniforms required for employment.
Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).
Business entertainment expenses.
Business gift expenses not exceeding $25 per recipient.
Employment agency fees under certain circumstances.
Cost of a periodic physical examination if required by employer.
Cost of installation and maintenance of a telephone required by your employment (deduction based on business use).
Cost of bond if required for employment.
Expenses of an office in your home if used regularly and exclusively for certain business purposes.
Transportation expenses for business purpose (20 cents per mile for the first 15,000 miles, and 11 cents per mile in excess of 15,000 miles plus parking and tolls or actual fares for taxi, buses, et cetera).

G. OTHER TAX RETURN INFORMATION ITEMS

Rate reduction and withholding

The Economic Recovery Tax Act of 1981 provides cummulative reductions in individual income tax rates of 1¼ percent in 1981, 10 percent in 1982, 19 percent in 1983 and 23 percent in 1984 and subsequent years. These tax reductions will be reflected in reduced withholding on October 1, 1981, July 1, 1982, and July 1, 1983. For 1981, the rate reductions are reflected in the tax tables used to compute the amount of tax owed, unless the taxpayer is subject to the maximum tax on personal service income or income averages, in which case the taxpayer receives a credit equal to 1¼ percent of regular tax liability before other credits.

Tax tables

Tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Even if you

itemize deductions, you may be able to use the tax tables to find your tax more easily. In addition, you do not have to deduct $1,000 for each exemption because these amounts are built into the tax table for you.

Presidential election campaign fund checkoff (front of form 1040 and 1040a)

An individual taxpayer may voluntarily earmark $1 of taxes ($2 on a joint return) each year for the Presidential Election Campaign Fund. (This does not result in any increase or decrease of the tax liability.)

Multiple support agreements

In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met:

(1) Support.
(2) Gross income.
(3) Member of household or relationship.
(4) Citizenship.
(5) Separate return.

But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $1,000 dependency deduction if the following requirements are met for multiple support:

(1) Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test.

(2) Any one of those who individually contribute more than 10 percent of the mutual dependent's support, but only one of them may claim the dependency deduction.

(3) Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.●

LAW OF THE SEA TREATY REPORT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. FIELDS. Mr. Speaker, it is with great pleasure that I submit for the RECORD the most recent report issued by my Task Force on Energy and Natural Resources, entitled "Lost At Sea: What the U.S. Stands to Lose With the Law of the Sea Treaty."

This comprehensive report is issued under the auspices of the House Republican Research Committee which is so ably chaired by the distinguished gentleman from Illinois, Congressman EDWARD MADIGAN.

The text of the report, written by my able staff director, Suzanne Reed, follows:

LOST AT SEA: WHAT THE U.S. STANDS TO LOSE WITH THE LAW OF THE SEA TREATY

It has been 11 years since the United Nations General Assembly voted on December 17, 1970, to convene the Third U.N. Law of the Sea Conference. What has ensued since that vote has been a classic diplomatic struggle between the industrialized nations of the West and the world's developing countries (known as the Group of 77) over the future use and development of the world's oceans. More than 160 nations are now locked in deliberations to draft the final Law of the Sea Treaty which will set precedents for critical issues such as access to the resources of the international deep seabed, production controls on strategic minerals extraction, and the promulgation of international regulations impacting on navigational rights, fishing rights, and marine research.

Delegates to the Conference had intended to complete work on the treaty last summer with the formal signing in Caracas in the fall of 1981. Fortunately for the United States, President Reagan, shortly after taking office, ordered an extensive review to determine whether the draft treaty was compatible with U.S. economic, political, and national security interests. What that review uncovered is that highly questionable positions were taken and undesirable language was agreed upon by former U.S. administrations which would be extremely prejudicial to our national interests.

In effect, U.S. negotiators had agreed to a treaty which would: Lock us into funding almost 25 percent of the budget of a massive, international regulatory body whose membership would be dominated by Third World and Soviet-bloc countries; severely limit our access and ability to ever mine the deep seabed and perpetuate our continued dependence on critical stragetic minerals; preclude us from guaranteed representation (on this international body) that would be commensurate with the amount of financing we would be obligated to provide; and force us, as a precondition to mining the deep seabed, to turn over not only pre-prospected mining sites, but also our advanced mining and processing technology to the Third World and a competing mining entity at an arbitrary price and without normal commercial protections.

The review by the President's interagency task force is now complete. The conclusion it reached is that the U.S. should go back to the next negotiating session and attempt to gain concessions from the Third World. It is expected that delegates from the developing countries will take a hard line approach to suggestions of renegotiating already-completed sections of the treaty. They recognize that most of the changes the U.S. is expected to push for would undermine the very purpose of the treaty—the Third World's drive to redistribute political power and wealth from the developed to the developing countries of the world.

Congress will eventually become directly involved in the treaty process. The Senate must consent to ratification of the treaty (if indeed there is one) by a two-thirds vote; then, the House and Senate, by a simple majority vote, must concur on implementing legislation.

MAJOR OBJECTIONS

The damaging aspects (or losses) to the United States are apparent if one examines the major objections to the treaty.

The New International Economic Order and the Common Heritage of Mankind

Adoption of the present law of the Sea (LOS) Treaty will further advance two concepts firmly held in the Third World: the New International Economic Order (NIEO) and the "common heritage of mankind." The intent of the NIEO is to facilitate a global redistribution of wealth and political power from the developed to the undeveloped nations of the world. This would be accomplished through the restructuring of existing international political, commercial, and economic organizations. The Third World is promoting the LOS Treaty as the primary instrument for initiating this redistribution of power and wealth. Under the "common heritage of mankind concept," the deep seabed and its resources could only be exploited with the common consent of all nations of the international community. This concept would abrogate the freedom of the high seas doctrine under which the United States as well as the rest of the world has been operating for centuries.

Burdensome International Regulation

The treaty would concentrate enormous political and economic power in a massive, complex, international regulatory body—the International Seabed Authority (ISA). The ISA would be a government in and of itself whose elements would consist of the Assembly, the Council, the Enterprise, the Economic Planning Commission, the Legal and Technical Commission, and the International Tribunal for the Law of the Sea. This massive entity would employ several thousand people. The ISA would control development of all resources of the seabed and subsoil located beyond the limits of national jurisdiction. This amounts to almost two-thirds of the earth's submerged lands.

Representation on the Council

A separate arm of the ISA, the Council, will be responsible for adopting and applying rules and regulations pending final Assembly approval, and will make case-by-case decisions on approving or disapproving mining applications. The body will be composed of 36 seats—18 representing various geographical areas and 18 representing special interest groups. Because of concessions agreed to by U.S. negotiators during the Carter administration, the Soviet-bloc will be assured of at least three seats on the Council, while the United States will not be assured of even one seat. Thus, we would find ourselves a party to a treaty in which we have agreed to provide substantial capital and technology assistance to developing countries, yet will have no assurance we could now, or in the future, exert proportional influence on important operational decisions.

Funding

Parties to the treaty would be obligated to provide start-up funding for the ISA and its mining entity, the Enterprise. Each party would be assessed according to its contribution level to the United Nations. For the United States, this would amount to at least $156 million in long-term, interest-free loans and $156 million in loan guarantees—almost 25 percent of the total start-up funding. Additional funds would come from tax revenues and fixed fees collected by the ISA from private mining companies. Depending on the profitability of each mining project, the ISA could receive as much as $527 million to $1.3 billion per site (or in some cases up to 70 percent of the net profits during the project's second year of operation). Additionally, private companies would have to pay a $500,000 fee just for the processing of an application to mine.

Revenue Sharing

A very disturbing provision contained in the draft treaty concerns the unprecedented sharing of revenues. The text imposes an international legal obligation on parties to mining contracts to share revenues derived from the exploitation of seabed resources, not only with developing nations, but also

with groups "who have not attained full independence or other self-governing status." Thus, liberation groups, such as the Palestine Liberation Organization (PLO) and the South West African People's Organization (SWAPO), would be able to share in the revenues (generated by American companies among others) earmarked for the Enterprise and for compensating developing countries whose economies were deemed "adversely affected" by seabed mining.

Lack of Assured Access

Deep seabed mining provisions in the draft treaty would not provide American companies (nor other developed countries) with assured, continuous access to critical strategic minerals. The treaty bestows upon the ISA complete control over access to and mining of the deep seabed. Power is vested in a plenary Assembly within the ISA to set general policies which include production limits and controls on seabed mining, and the arbitrary awarding of mining contracts and production authorizations. Voting would be conducted on the principle of sovereign equality (one nation, one vote). There would be no "great power veto" as in the United Nations. This type of voting structure heavily favors the interests of Third World and Soviet-bloc countries, effectively eliminates any veto power from the developed nations, and casts serious doubt on the amount of access U.S. and other developed nations will have to the deep seabed.

Competition for Mining Sites

The LOS Treaty calls for the creation of a mining entity (the Enterprise) which would compete with private and State mining companies for sites. Unfortunately, this entity will enjoy a highly competitive edge and will be heavily subsidized from the outset. As a precondition to receiving the right to mine, a private company must turn over to the ISA two fully-prospected sites. One of these sites is then turned over to either the Enterprise or to a developing country for exploitation of minerals. There is no assurance that the private company which prospected the two sites at its own expense (tens of millions of dollars per site is not uncommon) will be awarded the other site. Further, even if the company was awarded the site, there is no assurance it will ever receive the essential production authorization. In addition to the advantage of receiving pre-prospected sites, the Enterprise would also enjoy guaranteed financing, and would be exempt from taxation, anti-monopoly provisions, and revenue-sharing obligations. Private companies, on the other hand, would be subject to all these restrictions. The creation of such a climate could make it impossible for private companies to compete with the Enterprise. Further, such provisions act as impediments to the financing of mining ventures. Officials of the banking community acknowledge that the present treaty creates such adverse political, production and market risks that they are unwilling to finance deep seabed mining projects unless major changes are made to the treaty.

Mandatory Technology Transfer Requirements

Included in the contractual agreement between the ISA and private companies is an extraordinary provision for the mandatory transfer of technology to the Enterprise, and in some cases, to developing countries as well, from the private mining sector. The Enterprise would receive technology from competing private companies on a mandatory basis if the technology was determined to be needed and otherwise unavailable to the Enterprise on the open market at "fair and reasonable" commercial terms. Disputes over "fair and reasonable" terms will be settled by the International Tribunal for the Law of the Sea. This body is expected to be Third World-dominated. Technology transfer will pertain not only to mining technology, but also to processing of minerals and training of personnel. Technology owned by other companies but being utilized by private mining companies on an ISA-awarded site would also be subject to mandatory transfer. Failure to turn over technology could result in the company being precluded from using the technology on the site, loss of the contract and the right to mine the site.

Production Limitations

Artificial limits on the amount of manganese nodules single companies can mine for the first twenty years of production were agreed to. These provisions contain anti-monopoly and anti-density language limiting: the number of mining operations in a specific area; the number of mine sites available to any one company; the number of mining contracts that can be granted to a single country; and the amount of minerals single companies can mine for the first twenty years of production. The intent is to insulate land-based producers (e.g. Canada, Zaire) from the effects of competition with seabed mining. Such provisions would effectively monopolize seabed mineral production by the Enterprise and would serve to perpetuate U.S. dependence on foreign imports of critical strategic minerals, disrupt world markets, and artificially inflate world mineral prices.

Investment protection

The draft lacks provisions for protecting major investments made by private mining companies prior to the treaty entering into force. Without adequate investment protection for those companies who were operating under the terms of existing U.S. seabed mining legislation, firms would almost certainly refuse to initiate or even continue seabed mining under the proposed treaty. A recent GAO report confirms the fact that investment in developing seabed mining technology and hardware is declining dramatically. Companies cite the absence of any kind of assurance that they will be able to mine on those sites in the future as the prime reason for the dramatic decline in investments.

Dispute settlement

Disputes arising between parties to the treaty will be settled by an arm of the International Tribunal for the Law of the Sea, called the Seabed Dispute Chamber. The Tribunal will decide the representation of the Chamber. Unfortunately, Western countries are assured of only 3 of the 21 seats on the Tribunal. This, it is a certainty that this body will be dominated by judges from Third World countries. What is just as likely is that provisions for settling disputes could be arbitrary, subject to political pressures, and slanted towards promoting the interests of the developing countries.

LOS Review conference

Fifteen years after commercial recovery of seabed minerals begins, a review conference will be assembled. The purpose will be to determine whether policies initiated during those fifteen years have successfully achieved the goals of the initial Law of the Sea Convention. Provisions of the treaty will be open to amendment after five years of negotiations and ratification of the amendments by two-thirds of the States. A threat thus emerges to the United States in that the Third World and the Soviet-bloc could direct the future course of seabed mining. Since they would control the majority of votes in the Assembly, they would hold a tremendous voting advantage for amendments benefitting their interests. The United States could find itself in a position of being unable to block potentially damaging amendments. More importantly, the constitutional responsibility of the U.S. Senate to advise and consent to international treaty arrangements would be circumvented, effectively reducing U.S. national sovereignty.

CONCLUSION

Close examination of the proposed Law of the Sea Treaty reveals that it is, unquestionably, not in the best long-term interests of the United States. The treaty is heavily weighted toward the interests of the Warsaw Pact and the Third World, and to adopt it as drafted would perpetuate our continued dependence on unstable foreign suppliers for such strategic minerals as manganese, cobalt, and nickel. It creates a political climate, so adverse to private investment and free market principles, that quite possibly no American company would dare take the risks involved or invest the billions of dollars required to pursue not only deep seabed mining, but quite possibly oil and gas development in international waters. More importantly, U.S. agreement to the proposed text would have some far-reaching implications for the future. It would set dangerous precedents for other treaties and international institutions weighted towards the interests of the Third World and its ultimate goal of a redistribution of global wealth and power (e.g. treaties encompassing the Moon, Outer Space, and the Antarctic).

RECOMMENDATIONS

The United States is scheduled to go back to the eleventh and "final" negotiating session scheduled to begin in New York on March 8, 1982. At that time our negotiators should seek, at a minimum, the following changes to the treaty:

Guaranteed, permanent U.S. representation on the Council with a weighted voting system and a one-nation veto on all issues;

Elimination of all production control provisions;

Elimination of mandatory technology transfer provisions;

Elimination of all provisions which allow liberation groups to participate;

Elimination of the 15-year Review Conference provisions;

Insist on interim and long-term investment protection to assure that investments made prior to and after a treaty goes into force are protected; and

Many of the financial terms of the treaty (e.g. percentage of U.S. start-up funding, application fees, production charges, profit-sharing) are highly discriminatory to the U.S. and other developed countries and should be renegotiated.

In the event our negotiators are unable to obtain these concessions, the United States should then pull out of the negotiations permanently. At that point, other alternatives to the treaty could be pursued.

The most likely alternative at this time is the reciprocating states agreement recently negotiated between the United States, the United Kingdom, France, and West Germany. This agreement, a requirement of the

Deep Seabed Hard Mineral Resources Act of 1980 (P.L. 96-283), provides that nations having the capability to mine the deep seabed agree to respect mining claims of other reciprocating nations. This agreement could be enlarged to encompass other nations with policies similar to the reciprocating states. The agreement also preserves and perpetuates the existing body of international law which has served the world well for centuries.●

MACK HANNAH, JR.—PIONEER AND LEADER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. LELAND. Mr. Speaker, one might call a man like Houston's Mack Hannah, Jr., a groundbreaker—a pioneer. During the 77 of years of his life in Texas, Mr. Hannah established the first financial institution for minorities and became the first black man to head the boards of two State universities. The list does not end there. He was also the first black policeman in Port Arthur, Tex., and the first All-American football player to come out of Bishop College.

One might also call Mr. Hannah a statesman. Under former President Franklin Delano Roosevelt, he served as consul to the Republic of Liberia and, in 1966, then-President Johnson appointed him as his personal representative to the Economic Conference in Niamey, Nigeria.

Take it a little further and call Mack Hannah, Jr., a sophisticated politico. It was Mr. Hannah, after all, who delivered the crucial 3,000 votes that made Lyndon Baines Johnson a U.S. Senator in 1949. It was Mr. Hannah, also, who made the Black community of Jefferson County a powerful political force.

Paragraphs full of other accolades also apply to Mr. Hannah—civil rights activist, humanitarian, successful businessman, education activist. Each title is documented with equally lengthy lists of accomplishments.

They are not just labels. Mack Hannah, Jr., is the man, after all, to whom Port Arthur citizens come when they are down on their luck. According to the cigar-smoking Texan, if the people in his office did not protect him, his pockets would be empty. And it was Mr. Hannah who was honored recently by 1,200 past and present Port Arthur residents while he lay ill in a hospital bed. The occasion was the Port Arthur National Reunion Dinner and the organizing committee had named the Brenham, Tex., native as Port Arthur's most influential black man.

Mr. Hannah was honored again last month at the Congressional Black Caucus Southwest Regional Forum in Houston. The gala banquet in his honor capped the weekend's activities.

In short, one may heap whatever praise one chooses upon Mack Hannah, Jr. I call him a great man. Please take a minute to read the following article and find out why I, and so many others, are proud to call Mack Hannah, Jr., a friend:

[From The Black Millionaires]

HENRY MACK HANNAH, JR.

(By Louie Robinson, Jr.)

"When I get a little short of cash, I just run over to Port Arthur and borrow some from my cousin, Mack Hannah."—Texas millionaire Hobart Taylor.

There are a lot of people who, when they are a little short of cash, run over to Port Arthur to see Henry Mack Hannah, Jr. At sixty-eight he is the wealthiest black man in the state of Texas, and he admits to being a soft touch for a good sales or hard-luck pitch. If the people in his office did not protect him, he says, his pockets would be empty.

"Mrs. Hannah doesn't want me in the Port Arthur office," Hannah says, "because she knows these old timers will give me sob stories."

Rotund, cigar-smoking Mack Hannah is a wheeler-dealer in the Texas style, engineering business and political maneuvers that less imaginative men would never dream of, and less hardy souls would never dare.

For a quarter of a century Mack Hannah has been a political power in the state of Texas. It was he who, in 1949, delivered more than three thousand critical votes to Lyndon B. Johnson, enabling Johnson to win his U.S. Senate seat by an eighty-seven-vote margin. It was the beginning of a long friendship between Hannah and the man who fourteen years later would become President of the United States.

Former Governor Allan Shivers of Texas also probably owes his attaining that office to Hannah. For it was Hannah who traveled throughout the state urging blacks to "vote for my home boy, Allan Shivers, for lieutenant-governor." Despite strong opposition (some of it led by another wealthy Negro, the late Gooseneck Bill McDonald) the majority of the black vote went to Shivers, who took office on the strength of a 32,000 majority. Shivers later succeeded Governor Buford Justice upon the latter's death.

Mack Hannah has long been able to look down the road and see the shape of things to come. When he graduated from Lincoln High School in Port Arthur in 1922, he went to work running a gas station next door to the commissary at the Gulf Refining Company. Hannah, who came from a family of some means, quickly learned that workmen, who were issued scrip for commissary use, were willing to sell ten-dollar books of it for $.50 cash money. Pretty soon young Hannah was buying up scrip and loaning money.

His father, Mack Hannah, Sr., a saloonkeeper, did not think much of his son's activities. The only thing the senior Hannah knew was that the refinery was sitting out on the gulf belching ugly smoke, which he did not like, and he did not like the scrip either, because his register and safe were full of it and he doubted its eventual worth.

But young Mack went ahead and cultivated a friendship with the manager of the commissary, and pretty soon he was buying thousands of dollars worth of scrip at twenty-five percent discount. With lots of scrip and a good commissary connection, Hannah began ordering ten or so freight carloads of sugar—only after carefully reading the newspapers to determine when sugar prices were on the rise—through the refinery commissary, which bought it in forty- to fifty-carload shipments. Hannah also began picking up five carloads of Carnation Milk. Says Hannah: "There was enough margin with the twenty-five percent discount, and I was buying the sugar as cheap as a wholesaler could through the power of the refinery, so I was wholesaling sugar to soda water factories and candy kitchens and grocery stores and selling Carnation Milk."

Within the year, Hannah was making big money.

In 1924 Hannah gave it all up to enter Bishop College where, after his graduation in 1927, he taught for a year.

It was during his days at Bishop College that Hannah, who admits to having "always liked all the ladies," spied a young lady from Waxahachie, Texas, crossing the campus. He was fascinated by her walk. ("They must have been wearing short dresses on those days," he commented years later.) When Hannah inquired as to who she was, he was told: "That's your friend Arthur Johnson's girl."

The girl was Reba Othelene Hicks, a bright young scholar majoring in Greek and Latin. As Hannah recalls his campaign: "I kept trying and waiting for an opportunity when she and Arthur weren't doing so well, and I asked her if I could take her to the picture show. I got that opportunity and I never lost hold. I knew then that I wanted her for my wife."

When the pair finished college, Reba went back to Waxahachie without any talk of marriage between them. One day Hannah telephoned her and asked her where she planned to teach. "I have one offer in Huntsville with Professor Sam Houston, and another one in Oklahoma," she told him. Hannah told her he thought he could beat that.

Hannah then went to the superintendent of schools, who with pride had recently hired him in Port Arthur, and declared: "Mr. Sims, I want you to employ a girl that I'm gonna marry. She doesn't know it, but I am. I understand you need a Latin teacher."

Very shortly there was another telephone call to Waxahachie and Reba was told she had a job awaiting her arrival in Port Arthur. "She got a little indignant about it," Hannah recalls, "just wondering how could she do that without having made an application, and she hadn't said anything to her daddy. I told her that she didn't need to say anything to her daddy, I had her a job and to report for work."

Soon after her arrival in Port Arthur, Hannah got Reba into his car and told her they were driving over to a nearby town to see one of her old boyfriends. Instead, Hannah drove to the courthouse, where he was told the judge was at home. Hannah went to the judge's house forthwith where he found the jurist asleep in a hammock on the front porch.

Hannah awakened him and announced: "Judge, I want to get married."

"Who are you?" the sleepy judge asked grumpily.

"I'm Mack Hannah."

"You're not Mack Hannah," the judge challenged. "I've been hunting all through these thickets for years with Mack Hannah."

"Well, that's my daddy."

The judge walked barefoot over to the car and there, without benefit of witnesses, made them man and wife.

At Bishop, Hannah had been a first all-America football player, and it was with great anticipation that he had accepted a coaching job at his old high school. It turned out to be a rewarding experience for Hannah and a disaster for the football team. Even so, the superintendent of schools was glad to have Hannah in the system and was mightily disappointed when Hannah suddenly resigned.

But it was not that he had produced a losing team that bothered Hannah: it was the money. In that year of 1928 he was earning eighty-nine dollars a month, a rather paltry sum compared to what he had made at the refinery his first year out of high school. While he was mulling this over, he came across a bit of intelligence that really proved to be the final straw. The next morning, he announced to a faculty friend: "I just read in last night's paper that Tom Dennis (the white high school coach) makes five thousand dollars a year, and he sat on the bench at the University of Texas while I was all-America at Bishop. I'm not going to work for this kind of salary."

The friend wanted to know what Hannah intended to do when he quit. What Hannah did was go to work as a salesman for the Orange Casket Company, becoming the first black man in the country to travel as salesman for a major white casket house.

For nearly fourteen years Hannah traveled through Texas, Louisiana, portions of Mississippi and Arkansas, and into a few towns in Oklahoma and Florida. It was during this period that Hannah decided there was a fine opportunity for a Negro to go into the casket business in New Orleans. He made friends with a Creole named Joseph A. Porter and, hiding his own identity, although he owned the controlling interest in the firm, Hannah joined Porter in opening up the Joseph A. Porter Company, Inc. on Rampart Street. The new casket manufacturing firm did a thriving business, employing nearly two dozen people. Hannah and Porter traveled the territory together, selling to the same customers—Hannah for the Orange Casket Company, and Porter for Joseph A. Porter, Inc.

Later Hannah bought out Porter's interest. Ten years ago the Rampart Street property, which had cost $7,800 when he bought it in the thirties, was sold by Hannah for one hundred thousand dollars.

By 1941, with wartime gasoline rationing curtailing automobile travel, Hannah came in off the road to Port Arthur and the influential friends he had made years before. (He knew the rich Mellon family because their private railroad car had often parked on a sidetrack adjoining the gasoline station he ran, and he began taking meals with their chef aboard the car. Another man whose bags he had once carried when he came in to do a radio show for Gulf Refining Company, Homer P. Arbuckle, was to become secretary-treasurer of a combine of five major oil companies, Nature's Butane Company, which made America's first synthetic rubber. A young boy he had bought ice cream and candy for, Brackett Dorsey, grew up to become president of Gulf Refining Company.)

Soon Mack Hannah, Jr., was in politics as well as business in Jefferson County. Noting that there were two strong factions of whites, "I could readily see that all they needed was a strong organization of Negroes and whatever way the solid majority of blacks voted, so went the election." Hannah proceeded to build his own political machinery and finance it, taking money from nobody. There was little Hannah and his people could do in the state capital of Austin in those days of the "separate-but-equal" doctrine which was always long on "separate" but short on "equal" for blacks, but Hannah "certainly saw to it that whoever I wanted on the local levels in the county, from sheriffs to judges, made it." In his district nobody got the postmaster's job unless Hannah okayed it.

The political stronghold that Hannah was building eventually caused his wife to become somewhat fearful for his safety.

Meanwhile Hannah was building a small business empire as well: an insurance company, a funeral home, savings and loan firm, housing developments, fifty percent interest in a white construction firm that builds churches.

A black man who moved as boldly as Mack Hannah, of course, was sure to make enemies in Texas, and in 1959 he suddenly found himself getting into a political fight that threatened horrendous consequences. It involved some housing subdivisions he was developing outside the city limits of Port Arthur. There was competition coming in from Houston and, without help from the city of Port Arthur, Hannah had to put in his own water and gas lines. So he organized Water Control and Improvement District Number Eleven with some partners, borrowed $750,000 and put in the needed improvements.

Having good connections, Hannah's group finally decided they wanted the subdivisions to be annexed by the city to take the debt off their district. The mayor of Port Arthur and two of the city's seven commissioners resisted. Hannah won over the other commissioners and got his way.

At the same time, he was busy raising a half-million dollars with which to organize Standard Savings and Loan Association, as well as being chairman of the board of Texas Southern University, to which he was devoting a good deal of time. He hardly noticed that with the city having assumed the obligations of Water District Number Eleven, some of the political enemies he had made were suddenly demanding records, making charges, and, as he put it: "They decided to wreck Mack Hannah politically and financially. They set out to spend possibly two hundred thousand dollars trying to have me indicted." As he was to recall later: "It was really a dark day—it really looked bad for a while."

But just as Hannah had his strong enemies, so did he have powerful allies. The latter ranged from prominent Baptist ministers to the governor of Texas, and at the end of the bitter struggle Hannah and his partners were vindicated.

As Hannah stroked his way through the deep waters of Texas political life, many blacks themselves became critical of his form. He was a man who stuck by his friends, some of whom were less liberal candidates for office than were their opponents. For twenty years he was a shrimp-fishing partner of Louisiana's famed white segregationist Leander Perez (whom Hannah claims was, in fact, a Creole whose actual record of birth was destroyed in a mysterious courthouse fire).

Fishing was one of Hannah's favorite ways of getting away from the political and business wars during his younger days, and New Orleans was his favorite spot for it. He also enjoyed hunting, shooting deer in the Davis Mountains near the Mexican border, going for quail around Natchez, Mississippi, and squirrel in Louisiana. "I stayed in the marshes and in the thickets," Hannah says of his days as a sportsman, "but after we got all these city-slick hunters, I began to get fearful of my life, and I stopped."

Hannah's joy as a sportsman was a holdover from his boyhood days when his father would take him deep-sea fishing out on the Gulf of Mexico or on Sabine Lake, or hunting for bear and deer. "Before I was fifteen years old," recalls Hannah, "I was a crack shot with wildlife, especially ducks and geese. I knew how to skin muskrats. I had an exciting life."

There apparently had been considerable excitement all along the Hannah bloodline before Mack, Jr., came along. His mother, Daisy Brown of Brenham, Texas, where Mack Hannah, Jr., was born, was the daughter of a saloon-keeper, and his father, Mack, Sr., who ran away from his home near Summersville, Texas, to seek his fortune in Houston, became a professional gambler who would "bet on anything." He later opened a saloon in a rough section of Beaumont, Texas, where whites used the front door and blacks the back. "We used to laugh," remembers Mack, Jr. "He'd haul the money every Monday morning down to the bank. He was integratin' way back then."

Besides his parents, however, there was a group of aunts, uncles, and cousins, all of whom were certainly not black and many of whom became rather well known in the area. They were, as Hannah's mother put it, simply "recognized kinship," and it was through an older cousin that Hannah finally learned what he calls "the naked truth" about some of the family's interracial blood strains.

A good portion of Hannah's later life has been spent in the cause of education. He has been a strong supporter of both Bishop College and Texas Southern University. He has lived a quieter life in recent years, especially after a serious illness in 1966 caused him to have to undergo surgery in what his doctors described as "a pretty close call." He now gets a medical checkup every three months.

Still, Hannah does not find much spare time away from his business interests even today, although about once a month he likes to attend a boulé. "That's where you meet with a group of your peers, let your hair down, have a few drinks, say a few cuss words, have dinner. You know, let yourself go."

The Hannahs have homes in Houston and Port Arthur, although they spend most of their time at the latter. Like his cousin, Hobart Taylor, he does not live ostentatiously. Mrs. Hannah drives a Ford LTD, and he has given up driving. After his secretary wrecked a Buick he owned, he bought a Duster. "That's for the girls in the office to go to the store or on errands for me."

The Hannahs have two daughters, and a son, Mack Hannah, III who now manages most of his father's interests.

Hannah, who for more than a decade was United States Consul of Liberia, has a simple secret for success. It's "knowing an opportunity when you see it and acting. Don't talk about it. Talk later."●

CONGRESSIONAL SALUTE TO PAVLICK-KOSTER POST 2640 OF WALLINGTON, N.J. ON THEIR 50TH ANNIVERSARY IN OUTSTANDING DEDICATED SERVICE TO OUR VETERANS OF FOREIGN WARS, OUR COMMUNITY, STATE, AND NATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1982

● Mr. ROE. Mr. Speaker, on Saturday, March 27, the people of my congressional district and State of New Jersey will join together with our veterans of foreign wars in celebrating the 50th anniversary of Pavlick-Koster Post 2640, VFW of Wallington, N.J. whose half-century of highly commendable service to veterans and their families has truly enriched our community, State, and Nation.

Mr. Speaker, I would like to share with you and our colleagues here in the Congress the warmth and history of this distinguished organization of veterans who served our country overseas. This brief history as related to me by the post officers is, as follows:

HISTORY OF PAVLICK-KOSTER POST 2640, VFW

The Pavlick-Koster Post 2640, VFW has grown in stature from a small group of dedicated citizens, 37 in all, to one of the most prestigious veterans organizations in our State and Nation. With a membership of almost 1,400, it is the second largest Veterans of Foreign Wars Post in New Jersey, and the membership of over 400 ladies makes it the largest auxiliary post in New Jersey.

By the same token, to quote our VFW ritual—"One by one, as the years roll on, we are called upon to fulfill these sad duties of respect to our departed comrades"—330 members of the post, and 44 ladies auxiliary members have departed this Earth since the inception of this organization.

Just 50 years ago, a group of the Borough of Wallington's leading citizens who had served their country overseas in World War I decided to organize a Veterans of Foreign Wars unit in Wallington. The post was organized and its officers installed on July 23, 1932. The name chosen was in honor of the borough's two war heroes who gave their lives in defense of our liberty, Stephen Pavlick and Walter Koster, whose memory is immortalized by the choice of Pavlick-Koster as the name of our post.

From that day, until the end of World War II, the post has met in a meeting room provided for their use by the borough fathers.

At the conclusion of World War II, hundreds of local overseas veterans, upon their return, joined with the World War I veterans and their combined efforts proceeded to make the Pavlick-Koster Post one of the largest and most active in New Jersey.

The large membership, combined with a growing ladies auxiliary, made the need for additional space an absolute necessity.

A building and finance committee was formed and through their combined efforts, along with physical help from untold numbers of veterans, a colonial type structure was built on property donated by the Borough of Wallington. The cornerstone was laid in 1951, and the building was completed and occupied in 1952.

Over the years, our post increased in membership and in its activities, both on the veteran and community level. The participation in the community and educational level, on the individual and group level, is so large and varied that it extends to all branches, from mayor and council—present mayor is a member—to the board of education, and throughout the various levels of municipal and county government. We have a county freeholder as a member of the ladies auxiliary, and a county clerk who is a past commander.

As we celebrate our golden jubilee, attaining 50 years of service, we pledge to our community, our citizens, and our friends a continuation of dedicated service to our State, our county, our community, and to our fellow veterans.

Mr. Speaker, may I respectfully request you and our colleagues to join with me also in commendation of the excellence and quality of the leadership of the people who worked so hard over the past five decades in dedicated service to the organization and administration of this VFW post. I know it is impossible to list all of their members throughout the years, but in paying tribute to their present officers, past commanders, past presidents of their ladies auxiliary, charter members, and the deceased members of their post, we can express to all of the Veterans of Foreign Wars our deepest appreciation and heartfelt thanks for a job well done in service to our country. The roster of these VFW officers is, as follows:

POST OFFICERS

The Honorable: Commander Henry Kroner; Sr. Vice Commander William Weiss; Jr. Vice Commander John McAndrews; Quartermaster Edward Puterko, P.C.; Adjutant Joseph Salko, P.C.; Judge Advocate Stephen Flejzor, P.C.; Chaplain John Spellman; Officer-of-Day Chester Sembarski, P.C.; Service Officer Joseph Hlavenka, P.C.; and Sergeant-at-Arms Michael Swomiak.

LADIES AUXILIARY OFFICERS

The Honorable: President Margaret Kullaf; Sr. Vice President Victoria Puterko; Jr. Vice President Wanda Baneky; Treasurer Mildred Syrek; Chaplain Helen Radice; Guard Susan Puglia; Secretary Anna Maciag; Trustee Helen Hlavenka; Trustee Frances Kasperski; and Trustee Mary Ann Pandorf.

PAST COMMANDERS

The Honorable:

Andrew Dvorschak,[1]	1932-33
Andrew Dvorschak,[1]	1933-34
Herbert Handel,[1]	1934-35
Joseph McQuillan,[1]	1935-36
Frank Sharry,[1]	1936-37
Thomas Kaczor, Sr.,[1]	1937-38
Peter Pavlick	1938-39
Frank Davis,[1]	1939-40
Corneluis Opthoff,[1]	1940-41
James Griffith,[1]	1941-42
James Griffith,[1]	1942-43
Nick Rocco,[1]	1943-44
Joseph McQuillan,[1]	1944-45
Joseph McQuillan,[1]	1945-46
John Kraska,[1]	1946-47
Edward A. Zavatsky	1947-48
John Doviak	1948-49
Stephen P. Fleyzor	1949-50
Paul Cedar, Jr.	1950-51
James Clark, Jr.	1951-52
Joseph E. Salko	1952-53
John Jaworski	1953-54
Edmund Czaikoski	1954-55
Carl Hartmann, Jr.	1955-56
Emil J. Sondey	1956-57
Edward Puterko	1957-58
Edward Majewski	1958-59
Stephen Plucinsky	1959-60
Emil Furtak	1960-61
Walter Smagula	1961-62
Edward Flejzor	1962-63
L. Frank Rusconi	1963-64
Joseph Hlavenka	1964-65
Eugene Mahalick	1965-66
Chester Sembarski	1966-67
Joseph Bodgan,[1]	1967-68
Stanley Syrek	1968-69
John Kielbowicz	1969-70
Alfred Wojcik	1970-71
Alexander Tushinsky	1971-72
Harry Cannizzaro	1972-73
Albin Giemza	1973-74
Robert Skok	1974-75
Thomas Kavinski	1975-76
Louis Bayarsky	1976-77
Paul Klym	1977-78
John Ziemba	1978-79
Chester Sembarski	1979-80
Dennis O'Connell	1980-81
Henry Kroner	1981-82

[1] Deceased.

PAST PRESIDENTS LADIES' AUXILIARY

The Honorable:

Nellie Pavlick	1933-34
Margaret Eelman[1]	1934-35
Johanna Dvorschak	1935-36
Mary Molnar	1936-37
Anna Fiola[1]	1937-38
Ida Opthoff[1]	1938-39
Nellie G. Stewart[1]	1939-40
Mae Sakac	1940-41
Ida Opthoff[1]	1941-42
Ida Opthoff[1]	1942-43
Ida Opthoff[1]	1943-44
Lottie Yedlick	1944-45
Estelle Handel[1]	1945-46
Nellie Harrigan[1]	1946-47
Margaret Lynch[1]	1947-48
Anna Antoniuk[1]	1948-49
Loretta Neilley	1949-50
Julia Klepar[1]	1950-51
Helen Pavlick	1951-52
Shirley Mahalick	1952-53
Violet Kraska[1]	1953-54
Doris Mahalick	1954-55
Helen Trotter[1]	1955-56
Catherine Keller	1956-57
Caroline Fleyzor[1]	1957-58
Nora Skok	1958-59
Laura Onufer	1959-60
Marie Zaleski	1960-61

Bertha Niemiec	1961-62
Rose McCormick	1962-63
Mary Pelka	1963-64
Mary Skola	1964-65
Helen Hlavenka	1965-66
Lillian Sukennik	1966-67
Adela Buhanick	1967-68
Leona DeCaro	1968-69
Lois McKeeby	1969-70
Frances Davis	1970-71
Anna Maciag	1971-72
Mildred Syrek	1972-73
Marie Dembowski	1973-74
Frances Kasperski	1974-75
Lillian Gutches	1975-76
Agnes Fleming	1976-77
Sally Skok	1977-78
Mary Ann Pandorf	1978-79
Carol Ann Pandorf	1979-80
Margaret Kullaf	1980-81

[1] Deceased.

VFW CHARTER MEMBERS

The Honorable: Thomas Baker, Peter Barcewski, David Conley, Cornelius De Groot, Hedley Dreher, Andrew Dvorschack, William Eelman, Emil Fenska, Philip Fiola, Daniel Freeland, Christian Genneken, Jacob Gustina, Herbert Handel, Joseph Hicswa, Konstanty Himilik, Thomas Kaczor, Theodore Kozlowski, Michael Kapuscinski, Joseph Kempinski, John Lesko, Stephen McCabe, John Macik, Julian Miceszewski, John Molnar, Peter Pavlick, Morris Rothenberg, John Sakac, Frank Sharry, Jacob DeKoyer, George Shelepets, Albert Shufnara, Joseph Sroka, William Stewart, Andrew Sudeck, Joseph Sura, Cornelius Wagner, and Joseph Zyska.

LADIES' AUXILIARY CHARTER MEMBERS

The Honorable: Olga Bobitz, Anna Budzyko, Mae Preher, Minnie DeKoyer, Johanna Dvorschak, Margaret Eelman, Anna Fenska, Anna Fiola, Frances Genneken, Mary Jacoby, Marie Kaczor, Caroline Kapushinski, Mary Molnar, Nellie Pavlick, Helen Pavlick, Veronica Sakac, Anna Shelepets, Mary Shufnara, Bertha Sossel, Anna Sroka, Anna Sudeck, Mae Sudeck, Mary Wagash, and Lottie Yedlick.

Mr. Speaker, it is a great pleasure to call this golden anniversary observance to your attention and seek this national recognition of the outstanding dedicated service rendered by this most distinguished organization of veterans. We do indeed salute the officers, members, and ladies auxiliary of Pavlick-Koster Post 2640, Veterans of Foreign Wars, Wallington, N.J. upon the celebration of their 50th anniversary.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 16, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

*Armed Services
Tactical Warfare Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force tactical programs and other procurement.
S-407, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of James E. Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board.
357 Russell Building

*Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, S. 2184, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Soil Conservation Service, Agriculture Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Oceanic and Atmospheric Administration, International Trade Administration, and the U.S. Travel and Tourism Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on tax expenditures.
6202 Dirksen Building

Foreign Relations
To hold hearings on S. 422, extending from 50 to 80 years the period for repayment of revenue bonds issued by the St. Lawrence Seaway Development Corporation to the Secretary of the Treasury.
4221 Dirksen Building

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
3110 Dirksen Building

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for foreign assistance, focusing on the Caribbean basin initiative.
S-146, Capitol

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elemen-

tary and secondary education, education block grants, and bilingual education programs, Department of Education.
1114 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy research and development programs, focusing on fossil energy and nuclear energy, other than breeder reactor programs.
3110 Dirksen Building

Foreign Relations
Closed briefing to discuss Iraq, Syria, and South Yemen and their relationship to international terrorism.
S-116, Capitol

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

3:30 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, fund for the improvement of post-secondary education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

8:30 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To hold hearings on certain provisions of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
212 Russell Building

9:00 a.m.
*Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Air Force programs of the Department of Defense.
1114 Dirksen Building

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority, focusing on defense programs.
6202 Dirksen Building

*Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Governmental Affairs
To resume hearings on Senate Resolution 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.
3110 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, S. 2184, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Office of Transportation, Agricultural Cooperative Service, and the Packers and Stockyards Administration, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Patent and Tradework Office, Scientific and Technical Research Service, and the Minority Business Development Administration.
S-146, Capitol

Commerce, Science, and Transportation
To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume open to be followed by closed hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To resume hearings on proposed legislation providing Federal financial assistance to State and local law enforcement agencies.
2228 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1223 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).
4200 Dirksen Building

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on Department of Commerce regulations on exports to Iraq, South Africa, Syria, and South Yemen.
4221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

2:00 p.m.
Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Air Force manpower programs.
224 Russell Building

Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

2:30 p.m.
Armed Services
Sea Power and Force Projection Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on amphibious shipping Naval gunfire support and sealift programs.
212 Russell Building

MARCH 19

8:30 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To hold closed hearings to review budget proposals for fiscal year 1983 for intelligence activities of the United States.
212 Russell Building

9:00 a.m.
*Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To continue oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy research and de-

velopment programs, focusing on energy research, inertial confinement fusion, nuclear materials security and safeguards, and environmental protection.

3110 Dirksen Building

10:00 a.m.
Armed Services
Sea Power and Force Projection Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on major strike platforms (Naval aircraft carriers).

224 Russell Building

Foreign Relations
To hold hearings on the nomination of Herman W. Nickel, of the District of Columbia, to be Ambassador to the Republic of South Africa.

4221 Dirksen Building

2:00 p.m.
Armed Services
Sea Power and Force Projection Subcommittee
To continue open and closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on airlift programs.

224 Russell Building

Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 22

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration, Department of Commerce.

235 Russell Building

9:30 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on the alleged role of the Soviet Union, East Germany and Cuba in fomenting terrorism in South Africa.

2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings to discuss natural gas policy and regulatory matters, including related proposals modifying existing law.

3110 Dirksen Building

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the compliance gap and the proposed Taxpayer Compliance Improvement Act.

2221 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.

1114 Dirksen Building

*Energy and Natural Resources
To continue hearings to discuss natural gas policy and regulatory issues, including related proposals modifying existing law.

3110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.

1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of the Census, National Telecommunications and Information Administration, and the Economic and Statistical Analysis.

S-146, Capitol

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for weather programs of the National Oceanic and Atmospheric Administration, Department of Commerce.

235 Russell Building

Judiciary
To hold hearings on proposed legislation authorizing funds for the Department of Justice.

2228 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian affairs.

6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.

1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).

4200 Dirksen Building

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.

2228 Dirksen Building

MARCH 24

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Helsinki Commission, Board for International Broadcasting, Japan-United States Friendship Commission, Arms Control and Disarmament Agency, and the International Communication Agency.

S-146, Capitol

Finance
International Trade Subcommittee
To hold hearings on S. 2094, proposed Reciprocal Trade and Investment Act, and other related measures.

2221 Dirksen Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Internal Revenue Service's taxpayer assistance programs.

6226 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings on the alleged role of the Soviet Union, East Germany, and Cuba in fomenting terrorism in South Africa.

2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to mark up S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.

4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.

1318 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.

3302 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 1446, proposed act for the implementation of the Convention on the Physical Protection of Nuclear Material.

5110 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.

2228 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commis-

sion, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Farmers Home Administration, Rural Electrification Administration, and the Office of Rural Development Policy, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for international organizations, International Communication Agency, and the Chrysler Loan Board.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Science Foundation.
235 Russell Building

Foreign Relations
Closed briefing to discuss the recent progress in the intermediate range nuclear force negotiations.
4219 Dirksen Building

Judiciary
To hold hearings on the proposed divestiture of American Telephone & Telegraph, focusing on its effect on local rates.
412 Russell Building

Judiciary
Security and Terrorism Subcommittee
To continue hearings on the alleged role of the Soviet Union, East Germany, and Cuba in fomenting terrorism in South Africa.
2228 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.
1224 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings to review the capacity, distribution and status of the strategic petroleum reserves.
3110 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
To hold hearings on S. 1932 and H.R. 2098, bills establishing an Office of Inspector General in each of the Departments of Defense, Justice, and Treasury and in the Agency for International Development, and on other related measures.
3302 Dirksen Building

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Paul H. Nitze, of Maryland, to be Ambassador while serving as head of the U.S. delegation to the intermediate range nuclear force negotiations.
4221 Dirksen Building

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Secretary of Agriculture, to review the general agricultural outlook, and to review the overall budget for the Department of Agriculture.
1114 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on S. 101, S. 751, and S. 1995, bills providing for an alternative to the exclusionary rule in Federal criminal proceedings.
2228 Dirksen Building

Labor and Human Resources
To hold hearings on the nomination of Tony E. Gallegos, of California, to be a Member of the Equal Employment Opportunity Commission.
4232 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the U.S. Coast Guard, Department of Transportation.
235 Russell Building

Judiciary
To hold oversight hearings to review the effects of merger policy on the national railroad system, focusing on the Burlington Northern Railroad.
2228 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building

Finance
Health Subcommittee
To hold hearings on S. 1250, proposed Professional Standards Review Amendments of 1981, and S. 2142, proposed Peer Review Improvement Act.
2221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for the public buildings program of the General Services Administration.
4200 Dirksen Building

MARCH 29

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for the food stamp program.
324 Russell Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Civil Aeronautics Board.
1318 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

MARCH 30

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings to review budget proposals for fiscal year 1983 for energy conservation programs of the Department of Energy, focusing on State grant, research and development, and solar energy programs.
3110 Dirksen Building

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Foreign Agricultural Service, food for peace program (Public Law 480), Office of International Cooperation and Development, Agricultural Marketing Service, and the Federal Grain Inspection Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on title X of the Public Health Service Act relating to health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
To hold oversight hearings on the implementation of the Resource Conservation Act (Public Law 95-192).
324 Russell Building

Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserves and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendent in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

Governmental Affairs
To hold hearings on the substance of S. 1724, proposed Federal Employees' Compensation Act Antifraud Amendments of 1981.
3302 Dirksen Building

APRIL 1

9:00 a.m.
*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers in the private sector.
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Commodity Futures Trading Commission, to review budget proposals for the Department of Agriculture's Inspector General, and agricultural aspects of the General Accounting Office.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Railway Association, and Conrail.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the railroad safety program, Department of Transportation.
235 Russell Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 810, prescribing a system of user fees to be levied on commerical transportation on inland waterway projects, amendment No. 32 thereto, expediting the construction of inland waterway projects, and assuring that the users of such projects repay a fair percentage of the cost of such works, amendment No. 637, clarifying the intent of the bill, and related measures.
4200 Dirksen Building

APRIL 14

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Supreme Court, Securities and Exchange Commission, Federal Maritime Commission, and the Federal Trade Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings to review current funding status of programs of the Endangered Species Act.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the land and water conservation fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the judiciary, International Trade Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building.

Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 19

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold hearings on S. 1885, to place electric utilities, including members of registered holding company systems, on the same basis as nonutilities to encourage their investment in cogeneration and small power production facilities.
3110 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To resume oversight hearings to review current funding status of programs of the Endangered Species Act.
4200 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building
9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.
S-146, Capitol
Labor and Human Resources
Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.
4232 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building
2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for foreign assistance activities of the Department of the Treasury.
1318 Dirksen Building
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, Equal Employment Opportunity Commission, and the Maritime Administration.
S-146, Capitol
10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Railroad Administration of the Department of Transportation and Amtrak.
1318 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1889, authorizing funds for fiscal years 1983 and 1984 for the establishment of a national institution to promote international peace and resolution of international conflict.
4232 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building
9:30 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain related programs.
S-146, Capitol
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting voluntarism in America.
4232 Dirksen Building
10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building
2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration, Department of Transportation.
1318 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Aviation Administration of the Department of Transportation.
1318 Dirksen Building
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review programs administered by the Office of Federal Inspector, Alaska Natural Gas Transportation System and the Economic Regulatory Administration and Federal Energy Regulatory Commission, Department of Energy.
3110 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on proposed authorizations for programs of the Resources Conservation and Recovery Act.
4200 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on S. 2002, proposed Bilingual Education Amendments of 1981, and other related proposals.
4232 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Environment and Public Works
Business meeting, to consider proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.
1318 Dirksen Building
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of guidance and counseling programs of the Department of Education.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To resume hearings on proposals providing for a ban on the manufacture or sale of non-sporting handguns, mandatory sentences for the use of a firearm in committing a felony, and a preclearance procedure for the sale or transfer of any handgun.
Room to be announced

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 on certain transportation programs.
1224 Dirksen Building
Environment and Public Works
Business meeting, to mark up S. 1018, prohibiting the Federal Government from funding commercial and residential growth on undeveloped barrier beaches and islands.
4200 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983

for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, HHS, Education, and Related Agencies Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume consideration of proposed legislation authorizing funds for programs which fall under its legislative jurisdiction.
4200 Dirksen Building

1:30 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

MARCH 17

10:00 a.m.
Select on Indian Affairs
Business meeting, to consider pending calendar business.
6226 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

MARCH 18

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for housing and community development programs of the Department of Housing and Urban Development.
5302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To resume hearings on S. 1775, making the Federal Government liable for constitutional torts and generally the exclusive defendant in all tort suits involving Government employees acting within the scope of their employment.
5110 Dirksen Building

APRIL 29

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building